

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

V.

CASE NO. 3:16-cv-489-CWR-RHWR

THE HINDS COUNTY BOARD OF
SUPERVISORS, ET AL

Defendants

TRANSCRIPT OF EVIDENTIARY HEARING

BEFORE HONORABLE CARLTON W. REEVES
UNITED STATES DISTRICT JUDGE

July 19, 2022
Jackson, Mississippi

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Sheriff Tyree Jones
Chief Anthony Simon
Ms. Elizabeth Lisa Simpson
Mr. David Parrish
Dr. Richard Dudley (via videoconference)
Ms. Katherine Rayome

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1 (July 19, 2022, 10:40 a.m.)

2 THE COURT: Good morning. We're getting started a
3 little bit later than I intended, but obviously the parties can
4 take whatever time that they need for the purposes of this
5 hearing. This is United States of America v. Hinds County, et
6 al, 3:16-cv-489-CWR-RHWR.

7 Who is here for the government?

8 MR. CHENG: Christopher Cheng, Your Honor, and
9 Matthew Donnelly --

10 THE COURT: Make sure your microphone is on.

11 MR. CHENG: Christopher Cheng, Your Honor, and
12 Matthew Donnelly for the United States. We also have Angela
13 Williams with the U.S. Attorney's Office.

14 THE COURT: Okay. And I do see the receivers are
15 here, Ms. Simpson, Mr. Parrish. And I think Dr. Dudley is on
16 by Zoom; is that correct?

17 MR. CHENG: Yes, Your Honor. Dr. Dudley will be
18 participating by Zoom.

19 THE COURT: Okay. Thank you.

20 Who is here for the defendants?

21 MR. HALL: Good morning, Your Honor. John Hall for
22 the Hinds County Sheriff's Department. We have Nick Morisani
23 and Jim Shelton for the county as well.

24 THE COURT: Okay.

25 MR. HALL: Your Honor, the designated witnesses will

1 be Sheriff Jones for the sheriff's department and Anthony Simon
2 for the county.

3 THE COURT: Okay. I know we're here today on the --
4 I think the county's motion for reconsideration of Docket
5 Number 171, which is part of a response to the court's second
6 contempt order, I think, at 165. I think I informed the
7 parties that we'll give the county the opportunity to put on
8 any evidence in mitigation and also take up any of the
9 outstanding issues that need to be taken up.

10 Are we prepared to do that today?

11 MR. HALL: Yes, Your Honor.

12 THE COURT: All right. How do we wish to proceed?

13 MR. CHENG: Your Honor, we are prepared to proceed.
14 I did want to flag that there was some confusion when we met
15 with the -- conferred with the defendants on Friday about the
16 scope of the hearing.

17 Our understanding is they requested the evidentiary
18 hearing to deal with the motion for reconsideration. We're all
19 prepared to move forward on that. There was some discussion
20 about the scope of the hearing and whether the court would also
21 be taking other updated information as a normal status
22 conference and whether that would open the evidentiary hearing
23 up for more expansive discussion.

24 I think -- we just want to make sure the court gets
25 whatever information the court thinks it needs to decide the

1 motion today or whatever other information it needs as part of
2 this evidentiary hearing. We had three concerns we wanted to
3 flag.

4 The first is that our view is that if there is a status
5 conference for a more general update for the court, that
6 doesn't require a full evidentiary hearing each time with the
7 formalities of a trial. The reasoning is because the court
8 should be getting status conferences routinely from the
9 monitors; and if every single time we have to do a trial, it's
10 going to create a cumbersome process.

11 The second issue is that the PLRA only lets the defendants
12 get one bite at the apple every two years or so, not every
13 two months. And so if they're basically reopening the hearing
14 to bring in new evidence each time, that would procedurally
15 cause some difficulties and be unfair to the United States.

16 The third is that we do understand why the defendants feel
17 the need to protect their rights to make sure the evidence is
18 before the court, but the procedures in place under the court
19 orders decide how they protect their rights. It doesn't
20 necessarily require that we do a trial each time.

21 That said, these were just things we brought up with the
22 defendants. They weren't resolved. They may not be an issue,
23 but we wanted to flag it with the court before we proceed.

24 THE COURT: Okay. Thank you, Mr. Cheng.

25 Let me hear from the defendants.

1 MR. SHELSON: Good morning, Your Honor.

2 THE COURT: Good morning.

3 MR. SHELSON: Jim Shelson for the county. May I
4 proceed?

5 THE COURT: You may.

6 MR. SHELSON: Your Honor, I'm not sure we're all that
7 far apart with the United States. On motion ECF 171, the
8 motion for reconsideration, the county view is that that should
9 be confined to mitigation efforts regarding A-Pod. We have two
10 witnesses that are going to be pretty brief, and then that's
11 going to be our presentation on the A-Pod motion for
12 reconsideration issue.

13 Anything else, Your Honor, in our view should be a
14 separate hearing. We know on the last status conference Your
15 Honor indicated that he wanted to hear from the monitors. To
16 the extent that they have testimony that relates to mitigation
17 efforts regarding A-Pod, that would obviously come into play
18 regarding motion ECF 171. But to the extent that Your Honor
19 wants a general update status from the monitors regarding their
20 last site visit, in our view that's a separate matter.

21 We agree that it need not be evidentiary. We have some
22 concerns that the court would receive the monitors' update
23 before the parties received their written report. But if the
24 court -- if the court is going to hear from the monitors today
25 on a status update, then we do not disagree that it can be

1 nonevidentiary; and if it's nonevidentiary, and they just give
2 the court an update, then, you know, we might -- counsel might
3 request a brief opportunity to respond. If the court receives
4 their testimony on the update in an evidentiary manner, then,
5 Your Honor, our view is they would have to be presented on
6 direct; we would have an opportunity to cross and call rebuttal
7 witnesses.

8 So I guess the main issue is as far as, you know, what the
9 court wants from the monitors and, if it's a status update,
10 whether that's evidentiary or nonevidentiary.

11 THE COURT: Okay. All right. Thank you.

12 MR. SHELSON: Thank you, Your Honor.

13 THE COURT: All right. Mr. Cheng.

14 MR. CHENG: Yes, Your Honor. I think this is why we
15 may need to see how this proceeds because when we talk about A
16 and mitigation efforts, that could be much broader than I think
17 Mr. Shelson conceives of as the presentation; and so we would
18 want the monitors or other witnesses to address those issues,
19 and they will respond as part of this hearing, and it would be
20 for evidentiary purposes.

21 So again, Your Honor, I think we can proceed. It's just
22 depending on what the defendants do, the court may be asked at
23 some point whether or not the U.S. is going beyond the scope of
24 the direct and expanding this too much. We do feel that the
25 motion to reconsider was itself so broad and opened up so many

1 avenues of argument that we should have a little bit of leeway
2 to talk about what the monitors have been able to identify
3 during their last site visit, and it should be evidentiary.

4 THE COURT: All right. I'm going to allow the
5 monitors to give me information. The second contempt order was
6 filed back in March, and the motion for reconsideration was
7 filed back in April. I advised the parties that the court
8 would be looking to give the county an opportunity to provide
9 some evidence in mitigation in support of either their motion
10 for reconsideration or in support of -- or as their basis for
11 not being found in contempt. And the court's new injunction
12 became effective in April, but the monitors I don't think were
13 able to visit the site or complete, at least, their site
14 inspection sometime in May.

15 And I think all the parties participated at some level
16 with the monitors. It was handled as it had routinely been
17 handled. I do realize that the initial site visit was cut off
18 because we've had at least one status conference over the
19 phone, I think, and got information that one of the site visits
20 had to be interrupted because one of the monitors had COVID.

21 So a lot of the stuff was done remotely from there, but I
22 think the parties have participated in it at every level, and
23 the court would be interested to know what the monitors -- what
24 the monitors -- with their visit, what did they learn from
25 their most recent visit, what did they learn from their most

1 recent site inspection. And so I'm going to give the
2 parties -- I could have the monitors do it as we've done it in
3 the past as sort of a status update; or if the parties wish to
4 question the monitors, you may do that as well.

5 I do realize the monitor -- the time -- the deadlines by
6 which the parties have typically done things, traded draft
7 reports and all, that deadline has not been met. I'll have the
8 monitors tell me and the parties can also tell me whether or
9 not -- whether they participated, whether the monitors were --
10 whether the parties were available and -- at the time of the
11 site inspection. And to the extent they disagreed with stuff
12 that the monitor might say, you need to disagree on the record
13 and let me know because I do need to be moving on.

14 I realize we're at the stage now where we have an appeal,
15 a cross appeal, and at least one or two interlocutory appeals
16 as of now. So it's a matter of this court trying to proceed
17 with this case as best as it can. So I'm ready to go forward.

18 I will hear the -- I'll hear whatever argument the county
19 might wish to put on their motion for reconsideration in the
20 way that the county wishes it to go forward. Do you want to
21 call your two witnesses or have argument or do whatever? I am
22 fine with it.

23 MR. SHELSON: Your Honor, we'd just as soon proceed
24 with our witnesses; and to the extent that we have an objection
25 to a question that gets asked by the United States, we'll

1 object contemporaneously.

2 THE COURT: Okay. Thank you. All right. You may
3 proceed.

4 MR. HALL: Your Honor, the county would call Sheriff
5 Tyree Jones to the stand.

6 **TYREE JONES**

7 was thereupon called as a witness and, having first been
8 duly sworn, testified as follows:

9 THE COURT: I'll just remind you, Sheriff Jones, to
10 make sure that the lawyers finish their questions before you
11 begin to speak so that the two of you will not be speaking at
12 the same time, and please continue to speak at a pace at which
13 the court reporter can keep up with you.

14 THE WITNESS: Yes, sir.

15 THE COURT: All right.

16 MR. HALL: May it please the court.

17 THE COURT: You may proceed.

18 **DIRECT EXAMINATION**

19 BY MR. HALL:

20 Q. Sheriff Jones, you're here to testify about the county's
21 efforts to mitigate or comply with the court's orders. You're
22 aware of that.

23 A. Yes, sir, I am.

24 Q. And particularly we're here to talk about efforts that
25 have been undertaken with respect to A-Pod.

1 A. Yes, sir.

2 Q. And just for background, explain to the court briefly the
3 differences how the RDC is set up.

4 A. Well, RDC is composed of three different pods. We have
5 A-Pod. We have B-Pod. We have C-Pod. And, of course, you
6 know, we have the booking area; and we have holding cells in
7 the booking area as well. Once a detainee makes it through
8 booking and classification, they're then placed into a pod
9 between A-Pod, B-Pod, and C-Pod.

10 Q. Now, with respect to A-Pod is that -- from a facility
11 standpoint, describe the -- are there any differences between
12 A-Pod, B, and C?

13 A. Yes. A-Pod is in a different condition than B and C as it
14 relates to the physical plant itself. There were some damaged
15 doors in A-Pod that has extended over a period of time. And
16 there were some other technical issues with A-Pod as well.

17 Q. At some point was there a decision made by yourself with
18 the county to close A-Pod?

19 A. Yes, there was.

20 Q. Why is that?

21 A. Due to the safety of A-Pod and due to the condition of
22 A-Pod, we rendered it would probably be better to close A-Pod
23 and operate out of the other two pods.

24 Q. Were there any upgrades to any other pods in preparation
25 for moving detainees from A-Pod?

1 A. Yes, there was.

2 Q. And tell us what preparations were made in the other pods.

3 A. In B-Pod, the doors, the locking mechanisms were upgraded
4 and replaced. The plumbing issue in B-Pod was addressed, and
5 it was fixed. We installed new tables and dining equipment in
6 B-Pod, and we also upgraded the camera system in B-Pod as well.

7 Q. Was there any upgrades to fire alarms in B-Pod?

8 A. Yes. The fire alarms were upgraded in B-Pod as well.

9 Q. Were there any repairs made to the roof in B-Pod in
10 preparation for moving folks from A to B?

11 A. Yes, there was some repairs done to the roofing.

12 Q. Now, with respect to the detainees in B-Pod, tell us the
13 plan about moving folks from A to B. Was B just empty?

14 A. No, B wasn't empty, but we had two housing units in B-Pod
15 that we were attempting to use to put detainees from A-Pod into
16 B-Pod. We were going to move the trustees from B-Pod to the
17 work center.

18 Q. Do you remember about how many individuals that would have
19 been?

20 A. At that particular time, if I remember correctly, it may
21 have been maybe 15 to 20.

22 Q. They were going to move to the work center, you said.

23 A. That's correct.

24 Q. Now, let's talk about a timeline. With respect to the
25 repairs, et cetera, when did those repairs begin for B-Pod in

1 preparation for moving people from A-Pod?

2 A. They began in early spring. We had a deadline where we
3 wanted to get started somewhere around the beginning of June.

4 Q. And with respect to the repairs in B, were those repairs
5 ultimately made by that deadline that you imposed?

6 A. Yes, they were.

7 Q. With respect to the actual movement of detainees from
8 A-Pod, what dates were you trying to move the A-Pod detainees
9 to B-Pod?

10 A. We were going to utilize June to do that. We were going
11 to start moving -- initially we moved the trustees from B-Pod
12 to the work center and then start slowly transitioning
13 detainees from A-Pod to B-Pod. If I remember correctly, it may
14 have been B-2 and B-3. Maybe Chief Simon can elaborate a
15 little bit more on that.

16 Q. That's fine. We'll call Chief Simon for the particulars.
17 Were detainees ultimately moved from A-Pod to B-Pod as planned?

18 A. No, they were not.

19 Q. Tell the court why.

20 A. In early June we had a COVID outbreak at the facility, and
21 we had to start using the empty space that we had available in
22 B-Pod for quarantine.

23 Q. With respect to the COVID outbreak, was a contact tracing
24 done within the facility?

25 A. Yes, it was.

1 Q. And did you find who initiated that COVID outbreak in the
2 facility?

3 A. The COVID outbreak occurred around the time that the
4 monitors visited RDC, which was in late May, early June.

5 Q. Now, you say "around the time." Were you made aware by
6 one of the monitors that a member of their team, in fact, was
7 COVID positive?

8 A. Yes, I was.

9 Q. And do you remember what date that was?

10 A. Somewhere around May 31st or June 1st, somewhere in that
11 area.

12 Q. Now, with respect to the COVID outbreak, were there any
13 detention officers who were infected with COVID after that site
14 visit?

15 A. Yes, there were several detention officers and several
16 detainees tested positive.

17 Q. Now, let's talk not big, big picture; but with respect to
18 after that COVID outbreak, were any units closed or
19 quarantined?

20 A. Yes. We had to close several units in quarantine, to
21 include the work center as well.

22 Q. Were any units on B-Pod quarantined?

23 A. Yes.

24 Q. To this day -- today is July 19th -- are there any pods
25 that are still in quarantine?

1 A. Yes. We still have pods, housing units under quarantine
2 as well, yes.

3 Q. With respect to the work center, is the work center still
4 under quarantine?

5 A. Yes, it is.

6 Q. The reason why I ask, we were trying to move people from B
7 to the work center.

8 A. Correct.

9 Q. Also, with respect to other hindrances for removal of
10 detainees from A-Pod to elsewhere, has the crime rate in
11 Jackson affected that?

12 A. Yes, it has. Our numbers have risen in the detention
13 facilities. There have been more people arrested, more people
14 have been charged, and more people have been indicted. So that
15 has caused an increase in numbers over the last three months in
16 our detention facilities.

17 MR. HALL: Your Honor, can I have a moment to confer
18 with counsel?

19 THE COURT: All right.

20 (Off-the-record discussion between defense counsel.)

21 BY MR. HALL:

22 Q. Sheriff, long term, as far as A-Pod is concerned, tell the
23 court what is your ultimate goal with respect to A-Pod.

24 A. My ultimate goal with A-Pod is to completely empty A-Pod
25 and not use it anymore.

1 Q. Once your COVID challenges subside or eradicate, what is
2 your plan?

3 A. My plan is to start moving detainees out of A-Pod into
4 B-Pod, and we also have other efforts under way as well and
5 other resources that we look forward to that could possibly
6 help us dwindle our numbers in the facility as well. You know,
7 we have the addition of the state resources that have been made
8 available to Hinds County, and hopefully that will navigate
9 more of the detainees through the criminal justice system to
10 get them out of the facility as well.

11 Q. All right.

12 MR. HALL: I don't have any further questions, Your
13 Honor.

14 THE COURT: All right. Any cross-examination of this
15 witness?

16 MR. DONNELLY: Just a few questions, Your Honor.

17 THE COURT: All right.

18 **CROSS-EXAMINATION**

19 BY MR. DONNELLY:

20 Q. Good morning, Sheriff.

21 A. Good morning, sir.

22 Q. A-Pod isn't closed right now, correct?

23 A. No, sir, it's not.

24 Q. And when is your expected timeline? Can you give us a
25 month when you expect for it to be actually closed?

1 A. Well, right now, safety is our number one priority, for
2 the safety of the detainees and the detention officers. We
3 look forward to at some point the COVID numbers going down in
4 our facility. Once that happens, we will be able to move
5 detainees from A-Pod and start putting them into B-Pod, but we
6 can't do that -- we can't move detainees around like that until
7 the numbers begin to change.

8 Q. So you can't give us an estimate that it will be September
9 or December. You can't give us an estimate like that, right?

10 A. I can't tell you an exact estimate of when. Again, as
11 soon as our numbers dwindle as it relates to COVID, and as soon
12 as we have, I guess, better advice from the state regarding our
13 COVID numbers, then we will begin to readdress that particular
14 issue. But again, we can't do anything right now due to our
15 COVID situation.

16 Q. And how many detainees are in A-Pod right now,
17 approximately?

18 A. I would probably say anywhere from 140 to 150.

19 Q. And if you -- assuming that number holds somewhat steady,
20 you feel you have the room in B-Pod to put all those people
21 from A-Pod?

22 A. If we -- B-2 and B-3 should be able to hold about
23 120 detainees between those particular housing units in B-Pod.
24 We may have to go back and again readdress moving some
25 detainees to other facilities; but again, we're also looking

1 forward to some of the other resources that have been afforded
2 to Hinds County to help move detainees through the criminal
3 justice system and eventually get them out of our facility as
4 well.

5 Q. I'm glad you brought that up. As far as transferring to
6 other facilities, you haven't identified any facilities that
7 will take anybody yet, right?

8 A. We have been in contact with some. I do have some
9 detainees right now that are in the Rankin County facility.
10 But due to our COVID situation, it's hard to communicate with
11 other facilities regarding transferring detainees out of our
12 facility into another facility due to our COVID situation.

13 Q. With the exception of Rankin, do you have an agreement
14 with any other facility, sitting here today, that they will
15 take your detainees?

16 A. I don't have an agreement, no. There's just been
17 communication.

18 Q. As far as closing down A-Pod, I'll just proffer to you
19 we've heard that before. And so I will ask you: There
20 originally was a plan that I believe was in the response to the
21 order to show cause, where the plan was to shut down two parts
22 of A-Pod and then renovate two units. Are you familiar with
23 that plan?

24 A. I'm not quite familiar with that plan, no.

25 Q. Okay. But that's not the plan anymore, right?

1 A. Not that I'm aware of. Again, our plan is we began to --
2 let me go back to B-Pod. We renovated B-Pod. We upgraded the
3 camera system in B-Pod. We fixed several physical plant issues
4 in B-Pod to be able to put approximately 120 detainees in the
5 B-Pod. That's also with transferring the trustees from B-Pod
6 to the work center as well. Right now, that's our plan. To do
7 that, we don't have any plans that I can speak of at this
8 particular time to do any type of upgrades to A-Pod.

9 MR. DONNELLY: Can I confer with counsel, Your Honor?

10 THE COURT: Yes, you may.

11 MR. DONNELLY: Thank you.

12 (Off-the-record discussion between government counsel.)

13 MR. DONNELLY: Nothing further, Your Honor. Thank
14 you, sir.

15 THE COURT: Any redirect of this witness?

16 MR. HALL: No redirect, Your Honor.

17 THE COURT: I do have some questions before -- and
18 then you may follow up based on the questions I have asked, as
19 will be the government.

20 You indicated, Sheriff Jones, that there are currently
21 some inmates being housed in Rankin County?

22 THE WITNESS: Yes, sir.

23 THE COURT: How many?

24 THE WITNESS: I'm not exactly sure, but we have
25 several over there. Maybe Chief Simon can elaborate a little

1 bit more about the exact numbers, but we do have some over
2 there.

3 THE COURT: Okay. And the county has a written
4 agreement with Rankin County with respect to them housing those
5 particular inmates?

6 THE WITNESS: No. It was just kind of an oral
7 communication, will you house these detainees for us, and he
8 said yes. I spoke directly with the sheriff over there.

9 THE COURT: And so is that agreement that they would
10 house them until those persons proceed through the criminal
11 justice system or --

12 THE WITNESS: Yes, sir.

13 THE COURT: No matter how long that takes.

14 THE WITNESS: They don't call and ask us to come get
15 them or anything like that. They're there being held, just
16 like they're being held in Hinds County, awaiting trial or
17 awaiting whatever court appearances they have.

18 THE COURT: And that agreement, how much is Hinds
19 County paying Rankin County?

20 THE WITNESS: We're not paying them anything.

21 THE COURT: With respect to the COVID outbreak prior
22 to June 1st, any correctional officers tested positive for
23 COVID?

24 THE WITNESS: Your Honor, the last time we had a
25 COVID situation in detention prior to then was probably in

1 early spring -- late winter, early spring. It had been a
2 couple of months, and we had not had any outbreaks in the
3 facility.

4 THE COURT: Okay. No outbreaks, but did any
5 correctional officers test positive?

6 THE WITNESS: Not that I'm aware of, sir, no.

7 THE COURT: Since June 1st, how many correctional
8 officers have tested positive?

9 THE WITNESS: Several. I don't have the exact
10 number. I can get it. We can get it. But several have tested
11 positive.

12 THE COURT: With respect to inmates, you indicated
13 that some of them also have tested -- well, detainees, some of
14 them have tested positive. Do we know what that number is?

15 THE WITNESS: Yes, sir. We do have it. I just don't
16 have it readily available. But we have a daily updated sheet
17 of exactly how many people, detainees, detention officers that
18 test positive, yes.

19 THE COURT: And what mitigation efforts are the
20 county instituting to prevent the spread of COVID?

21 THE WITNESS: We have personal protection equipment.
22 We have masks. We have sanitizers. We have ongoing testing
23 efforts in coordination with the state as well as our
24 health-care facility that's at the detention center as well.

25 THE COURT: Is there a mask mandate at the Hinds

1 County Detention Facility right now?

2 MR. SHELSON: Yes, there is.

3 THE COURT: So everyone is wearing a mask?

4 THE WITNESS: They should be, yes.

5 THE COURT: All inmates?

6 THE WITNESS: Yes. The inmates have been provided

7 masks as well.

8 THE COURT: All correctional officers.

9 THE WITNESS: Yes, sir.

10 THE COURT: And how long has that been in place?

11 THE WITNESS: For the last couple of weeks that I'm

12 aware of.

13 THE COURT: Was it in place at the time that the

14 monitors were on-site?

15 THE WITNESS: No, sir, it was not.

16 THE COURT: Does the county require its correctional

17 officers to be vaccinated?

18 THE WITNESS: You say the county require --

19 THE COURT: No, no, no. I'm sorry. Does the
20 sheriff's department require its correctional officers to be
21 vaccinated?

22 THE WITNESS: No, it's not a requirement. We only
23 encourage it. But if they don't, then there is something in
24 place that they have to get tested at their own expense and
25 they have to provide those testing results to the county as

1 well.

2 THE COURT: So for the last month how many persons
3 have provided proof to you that they've been -- well, do you --
4 does the sheriff -- do the people test daily at the sheriff's
5 department -- at the detention center?

6 THE WITNESS: No, sir. It's not a daily test that
7 they're required to take, but we do have someone there that can
8 provide tests to anyone that needs to take a test.

9 THE COURT: But for those persons who are not
10 vaccinated -- I may have heard you wrong -- you require them to
11 be tested periodically or daily?

12 THE WITNESS: No, periodically, not daily.

13 THE COURT: Oh, just periodically.

14 THE WITNESS: Yes, sir.

15 THE COURT: With respect to the detainees who are not
16 vaccinated, do you require them to be tested periodically or
17 daily or at any time?

18 THE WITNESS: Not that I'm aware of for the
19 detainees. But if they show symptoms or they have been in
20 close contact with a positive case, we do require them to be
21 tested at that time.

22 THE COURT: I think Mr. Hall indicated that you did
23 some contact tracing. And am I correct that you've
24 concluded -- you've concluded that the -- as you call it, the
25 COVID outbreak was initiated by the monitors.

1 THE WITNESS: Yes, sir. We have a COVID coordinator,
2 and the numbers were traced back. We had not had a positive
3 case or that facility had not been introduced or exposed to
4 COVID in a few months prior to the monitors' visit. Yes.

5 THE COURT: No correctional officer had tested
6 positive for COVID prior to May 31st or June 1st? No
7 correctional officer.

8 THE WITNESS: No, sir. Not that I'm aware of.

9 THE COURT: And no inmate. No detainee, excuse me.

10 THE WITNESS: Yes, sir, that's correct.

11 THE COURT: As a result of the introduction of the
12 COVID, has anyone been hospitalized?

13 THE WITNESS: As far as detention officers and
14 detainees?

15 THE COURT: Well, let's start with detention
16 officers.

17 THE WITNESS: I'm not aware of any, but we have had
18 them to be off of work quarantining due to that. I'm just not
19 aware of anyone having to go to the hospital, no.

20 THE COURT: What about for detainees?

21 THE WITNESS: I'm not aware of any detainees as well.

22 THE COURT: Am I correct, then, in assuming, then,
23 that no detainees are being transported to court proceedings,
24 Hinds County court proceedings because of the -- shall I assume
25 that there are no court proceedings occurring; because of the

1 introduction of COVID among the detainees, that nobody is going
2 to Hinds County Circuit Court either for trials, initial
3 appearances, sentencings, guilty pleas? Am I correct in
4 assuming that?

5 THE WITNESS: No, sir. We are still transporting
6 detainees to court; but we're not transporting, of course,
7 detainees positive for COVID to court.

8 THE COURT: So you've managed to separate persons, I
9 take it, quarantine -- those who are quarantined are
10 quarantined.

11 THE WITNESS: Yes, sir.

12 THE COURT: How many people are in quarantine? How
13 many detainees are in quarantine?

14 THE WITNESS: I don't have the exact number right
15 now, but we have several that are still being quarantined.

16 THE COURT: You mentioned the uptick in crime. Isn't
17 it true that the City of Jackson had a record number of murders
18 last year?

19 THE WITNESS: For the last couple of years, yes.

20 THE COURT: So the increase in crime didn't just
21 start, right?

22 THE WITNESS: No, I wouldn't say an increase in
23 crime. There has been an increase in arrests, Your Honor.

24 THE COURT: There has been an increase in arrests?

25 THE WITNESS: Yes, sir.

1 THE COURT: Okay. Now, outside of Rankin County, you
2 say that there have been communications with others, but the
3 Rankin County agreement is a result of communication as well,
4 right?

5 THE WITNESS: Yes, sir.

6 THE COURT: So what other correctional facilities or
7 what other law enforcement entities -- there is no agreement
8 with anyone else?

9 THE WITNESS: No, sir, not at this time.

10 THE COURT: Who are the conversations being held
11 with?

12 THE WITNESS: I have spoken with the sheriff in
13 Madison County. I've spoken with the sheriff in Holmes County.
14 And I had a brief conversation with the sheriff in Copiah
15 County -- I'm sorry, not Copiah -- Claiborne County as well.

16 THE COURT: Okay. I have no further questions at
17 this time. I'll turn it over to the county.

18 (Off-the-record discussion between defense counsel.)

19 MR. HALL: Just briefly, Your Honor.

20 **REDIRECT EXAMINATION**

21 BY MR. HALL:

22 Q. Sheriff, the judge just asked you about positive COVID
23 findings in corrections officers. You testified no. You were
24 talking about -- just for clarification, for the record to be
25 clear, have there been any corrections officers within the

1 past -- let's say the past few months before the monitors came
2 that came up positive, to your knowledge?

3 A. I'm not aware of any myself. But I guess the more logical
4 answer to that question would be if it did or if they had, it
5 did not affect the facility itself. It didn't cause other
6 people in the facility to be tested -- to test positive as
7 well. I don't know the exact I guess medical persona for each
8 individual in detention, but it did not -- if they did, it
9 didn't cause an outbreak or anything in the facility.

10 Q. I guess that's a better question to ask. Let me ask it.
11 If there were some corrections officers who were positive, did
12 those officers impact the COVID numbers at the facility?

13 A. No, sir, it did not.

14 Q. I'm talking in the timeline between, let's say, late
15 winter of 2022 through May 31st of this year.

16 A. That's correct.

17 MR. HALL: Your Honor, could I have a moment?

18 I don't have any further questions, Your Honor.

19 THE COURT: All right. Any follow-up based on the
20 questions that I've asked? This is to the government.

21 MR. DONNELLY: One second, Your Honor.

22 (Off-the-record discussion between government counsel.)

23 MR. DONNELLY: No, Your Honor.

24 THE COURT: All right.

25 MR. DONNELLY: Thank you.

1 THE COURT: Sheriff, you may step down.

2 THE WITNESS: Thank you.

3 MR. HALL: Your Honor, at this time the county calls
4 Kenny Wayne Jones to give testimony.

5 **KENNY WAYNE JONES**

6 was thereupon called as a witness and, having first been
7 duly sworn, testified as follows:

8 THE COURT: I'll just remind you, Mr. Jones, just
9 allow the lawyers to finish their questions before you begin to
10 speak so that the two of you will not be speaking at the same
11 time. And please speak at a pace at which the court reporter
12 can keep up with you.

13 THE WITNESS: Sure.

14 THE COURT: Mr. Shelson, you may proceed.

15 MR. SHELSON: Thank you, Your Honor.

16 **DIRECT EXAMINATION**

17 BY MR. SHELSON:

18 Q. Will you please state your name for the record?

19 A. Kenneth Wayne Jones.

20 Q. Mr. Jones, you recently testified, so I'm not going to
21 belabor your background, but where are you employed?

22 A. Hinds County.

23 Q. In what capacity?

24 A. County administrator.

25 Q. And how long have you been the county administrator?

1 A. Two years.

2 Q. How much, based on estimates the county has received,
3 would it cost to renovate A-Pod?

4 A. State your question again. I'm not sure I understand.

5 Q. How much would it cost to renovate A-Pod?

6 A. How much would it cost?

7 Q. Yes, sir.

8 A. It would cost anywhere between 4 and 5.5 million to
9 renovate that pod.

10 Q. And does the county have an understanding of how long it
11 would take to renovate A-Pod?

12 A. Yes, we do.

13 Q. And what is the time frame?

14 A. I'm not specific about the time frame; but building a new
15 jail, we kind of looked at it like it would be in the time
16 frame of the new jail being built.

17 Q. From a financial perspective, can the county proceed with
18 both building a new jail and renovating A-Pod?

19 A. No. Not at all. And it would not be feasible.

20 Q. Why not?

21 A. The time frame that we're talking about building a new
22 jail, with the new jail and some of the things we're looking
23 at, the budget just won't withstand renovating that pod for
24 5 million and then going on with building the new jail.

25 Q. Can you tell the court whether or not the county has the

1 funds to do both?

2 A. They do not. They do not.

3 MR. SHELSON: May I have a moment to confer, Your
4 Honor?

5 THE COURT: Okay.

6 (Off-the-record discussion between defense counsel.)

7 MR. SHELSON: I tender the witness, Your Honor.

8 THE COURT: Okay.

9 **CROSS-EXAMINATION**

10 BY MR. CHENG:

11 Q. You talked a little bit about the feasibility of reopening
12 or fixing A-Pod. Were you aware that there was also some
13 discussion about reorganizing the housing units so that some of
14 them could be holding those with mental issues while others
15 could be holding lower security inmates?

16 A. No. That would not fall anywhere within what we do on our
17 side. That would be the law enforcement side.

18 Q. Right.

19 A. So I don't have a lot of knowledge to what you're asking.

20 Q. So when you talk about what's feasible, were you aware
21 that there were a number of plans to help the county try to use
22 the existing housing more appropriately, with minimizing the
23 cost to the county?

24 A. Well, we've looked at that all along. But with setbacks
25 that we were having with mechanical issues, setbacks we were

1 having with COVID, we had to move prisoners to this so that we
2 could quarantine and all that, it just -- it just kind of threw
3 the whole thing off.

4 Q. Except, you know, those setbacks -- I mean, those setbacks
5 are the things that have been discussed before, right? You
6 were at the trial in February and we talked about setbacks,
7 right?

8 A. Right. They can always be talked about, but until you
9 experience them in reality --

10 Q. Uh-huh.

11 A. You understand.

12 Q. So even in February when we were talking about the
13 physical plant of A-Pod --

14 A. Right.

15 Q. -- and the expense of fixing it, there was some discussion
16 about, you know, if there was better staffing it could reduce
17 the expenses of trying to run A-Pod, right?

18 A. I don't remember. I don't remember exactly what we
19 discussed about A-Pod.

20 Q. Were you aware, though, that the staffing issue is tied to
21 the maintenance and physical plant issue?

22 A. I don't remember that either. Look, I look at money and
23 whether we're going to have the money to do certain things, and
24 that's it.

25 Q. So you've talked about the feasibility of paying for

1 improvements. Let me break up some of those improvements, all
2 right? So was it the board's decision or the sheriff's
3 decision not to put fire sprinklers in Raymond Detention
4 Center?

5 A. I remember we discussed it; but, now I don't know whose
6 decision it was if they didn't go in. We discussed the
7 sprinklers. I remember the discussion because they were not in
8 there originally. So I don't know whose decision it was
9 directly if they wasn't put in.

10 Q. Well, the sheriff earlier testified about how they did
11 some upgrades to B-Pod to make it more effective for inmates.

12 A. Okay.

13 Q. Did you remember there were some discussions about fixing
14 locks in A-Pod?

15 A. Yes.

16 Q. Do you remember that?

17 A. I do. I do, because my maintenance superintendent was
18 involved in a whole lot of that.

19 Q. Your statement about how much it's going to cost to
20 renovate A-Pod --

21 A. Right.

22 Q. -- \$5 million, that is not just to fix locks, right?

23 A. Say that again.

24 Q. When you say it's going to cost millions of dollars to
25 renovate A-Pod --

1 A. Right.

2 Q. -- was it going to cost millions of dollars just to fix a
3 few locks in A-Pod?

4 A. Well, I don't know if you were just talking about a few
5 locks. You were talking about doing something that had to go
6 into everything because some of the problems were that even in
7 A-Pod with the -- they would lock the cells down, put trash in
8 the cells. We had to look at all that, and I remember that.
9 You had fixtures being removed so that they could go through.
10 It was a whole lot more in A-Pod than fixing locks.

11 Q. Just -- what I'm just trying to be clear about, though,
12 is -- you know, have you read the stipulated order?

13 A. I read the stipulated order about a year and a half ago.

14 Q. So are you aware that in the stipulated order, when it
15 talks about renovating A-Pod, it had a specific list of things
16 to do for A-Pod?

17 A. Yeah.

18 Q. And when you talk about --

19 A. Along with everything else, but I don't remember
20 specifically A-Pod.

21 Q. But when you talk about how much it's going to take to fix
22 A-Pod, you're talking about bringing the entire facility up to
23 the same standard as the rest of the jail, right?

24 A. And I'm talking about what we've discussed, at least what
25 the sheriff has discussed with us, so that we can get some kind

1 of determination on how much it's going to cost to do what's
2 being asked.

3 Q. And have you been there in the meetings when Mr. Parrish
4 suggested that the master planning committee needs to just
5 prioritize which fixes are really important and which ones are
6 not as important?

7 A. A few Zooms. A few Zooms from the initial standpoint.

8 Q. And you're aware the monitor has never said you have to
9 fix everything. They have said you need to prioritize the
10 fixes to make A-Pod more manageable; is that right?

11 A. Now, from my understanding the monitor said, You need to
12 fix all of this, which was a pretty extensive list, because the
13 last meeting I had with the monitors, some of the things that
14 were on the list I had never heard of. So that wasn't even in
15 the original concept of what we were going to do anyway.

16 Q. Okay. So let's say we proceed with whatever your new plan
17 is, right? You're just going to wait for the new jail? Is
18 that what you're going to do, wait for the new jail?

19 A. We're going to do everything we can to maintain the
20 security and the safety of what we have now but at the same
21 time get ready to put out resources in getting the new jail up
22 and running as soon as possible.

23 Q. But in order to do that, you're going to have to put aside
24 some things that had originally been included in your master
25 planning process, right?

1 A. Well, yeah, it was some things in the master, but they
2 wasn't included in the budget.

3 Q. So, for example, you know, fixing the locks and the
4 trashed cells in A-Pod, you're not going to do that anymore?

5 A. That was the original -- the original concept was to get
6 all the locks fixed and all of that. So, I mean, that was a
7 given. There were just some other things that got into play.

8 Q. But you're not going to do that now, right? That's no
9 longer on the plans?

10 A. We're going to do whatever the sheriff make the
11 determination we need to do, the jail administrator. Whatever
12 we're told to do, we're going to do that. It's just that we
13 talked about our concerns with the feasibility of spending
14 millions of dollars.

15 Q. But right now there's no money allocated for those fixes
16 because you haven't talked to the sheriff about it yet, right?

17 A. I haven't talked to the sheriff about it right now,
18 exactly.

19 Q. So, for example, other projects that got held up -- the
20 mental health unit, they were going to just use some of the
21 housing for the mental health unit. Is that held up as well?

22 A. I don't know. I'm not sure.

23 Q. As you're working with the sheriff in order to close
24 A-Pod, you're also working with the City of Jackson to reopen
25 the Jackson Detention Center; is that right?

1 A. That's the misdemeanor facility.

2 Q. Right.

3 A. Okay.

4 Q. Right. So, you know, even as you're trying to work on the
5 sheriff's side, you're trying to reopen the Jackson Detention
6 Center; is that right?

7 A. We are. We are.

8 Q. Now, are you aware that if you try -- if Jackson hires
9 people to work at the Jackson Detention Center, it might
10 actually put pressure on the county and its ability to recruit
11 officers for the county jail? Are you aware that might be a
12 problem?

13 A. No. All I know, we allocated 50,000 so we could get
14 started with that building --

15 Q. Yeah.

16 A. -- to get some of the drainage problems and some little
17 structural improvements. But at the same time we haven't -- my
18 office hasn't discussed staffing.

19 Q. And so is that the board's decision to help support the
20 city in reopening the Jackson Detention Center, or is that the
21 sheriff's decision?

22 A. That's a board decision because the board wants to get
23 that facility open as soon as possible so that we can get
24 misdemeanors coming in there so that we can do some other
25 things that we're trying to do.

1 Q. Do you know if the sheriff supports that decision to
2 reopen the Jackson Detention Center?

3 A. I'm sure he does.

4 Q. So then you realize money that's spent on the Jackson
5 Detention Center is money that cannot be spent at the county
6 jail, correct?

7 A. Right.

8 Q. All right.

9 MR. CHENG: If I could confer with counsel.

10 THE COURT: Yes.

11 (Off-the-record discussion between government counsel.)

12 BY MR. CHENG:

13 Q. I think -- would you agree with the sheriff that there's
14 no immediate timeline for closing A because things keep
15 changing?

16 A. Now, I would agree with what the sheriff has presented us.
17 But the specifics of the closure and all of that, I'm not, you
18 know, abreast enough to say I agree with anything.

19 Q. Is it fair to say there's no specific date right now for
20 when A-Pod is going to be closed?

21 A. I don't know of a date, right.

22 Q. And when the COVID start breaking out, that was around the
23 holiday in May; is that right?

24 A. Somewhere around about that time.

25 Q. So it's been, what, almost a month and a half, two months

1 since then?

2 A. A couple of months --

3 Q. Right.

4 A. -- since then, right.

5 Q. Okay. And, you know, while the inmates are still held in
6 A-Pod, would you agree they are still in some danger from the
7 conditions in A-Pod?

8 A. A-Pod alone?

9 Q. Yes.

10 A. No. I would agree that if they're in B, C, whatever pod
11 they're in, they're in some danger because it's a jail. So I
12 wouldn't limit it to A-Pod.

13 Q. So you don't think A-Pod is more dangerous than B or C?

14 A. Well, it depends on -- you got a prison language down
15 there. And I can't talk about it, but the sheriff knows the
16 prison language. Sometimes there's more honor in A-Pod than
17 you got in the rest of it, and that determines how the
18 prisoner -- who down there. Now, if you don't look at that,
19 then you won't get a legitimate answer in that. I don't think
20 A-Pod is no more dangerous than any other pod. You may put
21 more violent offenders in A-Pod, but you're going to -- the
22 situations I see are across the board.

23 Q. Do they put more violent offenders in A-Pod than B and C?

24 A. I don't know.

25 Q. So let me ask you this, then: If there's violence in the

1 whole jail, A-Pod is the only pod where none of the doors work,
2 correct?

3 A. All I know, we had to get the locks fixed. I don't know
4 if the doors close or not. The only thing I remember about
5 A-Pod was we had to get the locks fixed. And every time we get
6 the locks fixed, they go back, jam the locks, put trash in the
7 cells and all that.

8 Q. But right now the locks have not been fixed, correct?

9 A. I don't know.

10 Q. Oh, I see. So when we're assessing whether or not A is
11 more dangerous than B or C --

12 A. Right.

13 Q. -- we don't know whether the locks go into the
14 dangerousness of A?

15 A. Uh-uh, because, see, we --

16 MR. SHELSON: Object to the form of the question.
17 We're not assessing that, so we object to the form of the
18 question.

19 THE COURT: Objection overruled.

20 A. You've got to understand that from a county administrator
21 standpoint, we don't get that type of data. We get the -- you
22 know, we don't say, per se, locks are this or -- but I haven't
23 heard that locks wasn't working.

24 BY MR. CHENG:

25 Q. But when you allocate the money, you realize that's going

1 to have an impact depending on what the conditions are actually
2 like in that unit, correct?

3 A. Yes. But we've allocated money to fix locks from the
4 door.

5 MR. CHENG: Thank you, Your Honor.

6 THE COURT: All right. Any redirect of this witness?

7 MR. SHELSON: Yes, sir.

8 **REDIRECT EXAMINATION**

9 BY MR. SHELSON:

10 Q. Mr. Jones, counsel asked you some questions about JDC. Do
11 you remember that?

12 A. The Juvenile Detention Center. JDC?

13 Q. JDC.

14 A. Right.

15 Q. Yeah. So is the county in the process of giving JDC to
16 the city?

17 A. Well, we're negotiating. We're in the process of that
18 now.

19 THE COURT: Okay. Hold on. Is JDC the Juvenile
20 Detention Center or is JDC the Jackson Detention Center --

21 MR. SHELSON: The Jackson.

22 THE COURT: -- because that's what he -- I thought
23 that's what -- I just want to make sure we're talking about the
24 same thing. He said JDC, but I think Mr. Cheng was talking
25 about the upcoming misdemeanor facility with the City of

1 Jackson.

2 MR. SHELSON: I'll clarify that, Your Honor.

3 THE COURT: Okay. All right.

4 MR. SHELSON: What I thought we were talking about
5 too.

6 BY MR. SHELSON:

7 Q. When you answered Mr. Cheng's questions about JDC, were
8 you referring to the Jackson Detention Center, the misdemeanor
9 facility?

10 A. I recall saying are you specifically talking about the
11 misdemeanor facility because that's what I thought he was
12 asking me.

13 Q. So you're talking about the Jackson Detention Center?

14 A. The Jackson Detention Center. We call it the misdemeanor
15 facility.

16 Q. Why is the county in the process of negotiating with the
17 city over the ownership of JDC?

18 A. State your question again.

19 Q. Did you say that the county is in the process of
20 negotiating with the city over the ownership of JDC?

21 A. Yes. We're doing that now.

22 Q. Okay.

23 A. Right.

24 Q. Why is the county doing that?

25 A. Because in all of our meetings on the crime and even from

1 a legislative standpoint, county and city, we've put together a
2 plan where all of us have to really get in where we fit in. So
3 one thing they wanted to do, a lot of it was based on the
4 misdemeanor facility being operational on some of the things
5 that we were looking at because we didn't have anywhere to
6 house them. So with that being the fact, the county had it
7 over there. So the chiefs got together, had a few
8 conversations, the mayor, us, the board; and one of the
9 determinations made was that we needed to go ahead and try to
10 give that facility to the city.

11 Q. Last thing. Remember counsel asked you about the cost to
12 fix locks. Do you have a recollection that it cost
13 approximately \$2 million to fix the locks in C-Pod?

14 A. All I know, we talked about the money to fix locks. I
15 don't remember specifically what it was or how much. I know it
16 was a million-dollar figure, but I don't know exactly how much.
17 Now, I do remember the locks had to be fixed in C-Pod. There
18 had to be locks fixed in A-Pod. But then they had to move some
19 things. So could be.

20 Q. All right.

21 MR. SHELSON: Your Honor, no further questions.

22 THE COURT: Thank you, Mr. Shelson.

23 I have a few follow-ups, and then the county will be able
24 to follow up based on my questions.

25 You indicated, Mr. Jones, I believe, that the county has

1 at least been in discussions with the City of Jackson about the
2 Jackson Detention Center. If there is an agreement between the
3 two, who would be parties to that agreement, would it be the
4 county and the City of Jackson?

5 THE WITNESS: Yes. It would be, right.

6 THE COURT: Well, let me ask you this: To the extent
7 that the sheriff has any agreement to house inmates at other
8 facilities, whether that's state facilities or other county --
9 I say inmates. They're detainees. To the extent the sheriff
10 has any agreement to house detainees at the Raymond Detention
11 Center, somewhere else, would that agreement come through the
12 county or would that be an agreement that the sheriff would
13 have?

14 THE WITNESS: Now, Judge, you -- Your Honor, you have
15 me somewhat confused on that one because I don't know what the
16 administrative stipulations would be where the sheriff is
17 going to put people unless we do have a conversation.

18 THE COURT: The county would be involved in that
19 conversation?

20 THE WITNESS: If the county is involved in that
21 conversation, then I can get a full understanding of who's
22 making a decision because, from your question, you're asking me
23 something that is interlocal between law enforcement, and I
24 don't necessarily know everything. When you start talking
25 about other facilities and where they can be locked up at, I'm

1 not privy to a lot of that information in my capacity.

2 THE COURT: Okay. So that would just be something
3 between the sheriff's office --

4 THE WITNESS: Right.

5 THE COURT: -- and maybe the sheriff's department of
6 somewhere else.

7 THE WITNESS: Exactly.

8 THE COURT: The county --

9 THE WITNESS: It would come to me in passing, Your
10 Honor.

11 THE COURT: Okay. The county would not be involved
12 at all.

13 THE WITNESS: Other than the sheriff giving a report
14 on what he's doing, and we got to make a decision for something
15 financial, that would be on him.

16 THE COURT: Now, turning back to the Jackson
17 detention facility, I think Mr. Cheng asked a question to --
18 well, he said any money that the county gives to that project,
19 that same money cannot -- that same money cannot be going
20 toward the Raymond Detention Center or anything else; is that
21 correct?

22 THE WITNESS: That's correct.

23 THE COURT: Now, this misdemeanor facility, how much
24 money has the county allotted to that project as of today?

25 THE WITNESS: 50,000.

1 THE COURT: And how much does the county expect to
2 have to give to that project to bring it up?

3 THE WITNESS: We haven't had the total anticipation.
4 We just allocated the \$50,000 so they could get started with
5 the minor things that was -- the facility is in decent shape
6 other than some water issues, pipe issues, things like that.
7 So we allocated 50,000 so they could get started on getting
8 those things corrected, getting them repaired so that they can
9 go in. Some of the floors, from my understanding sitting in
10 the meeting, are functional now.

11 THE COURT: When does the county expect that the
12 first detainee would be introduced into the Jackson Detention
13 Center?

14 THE WITNESS: Once we get through with our agreements
15 on what the city is going to do, because I think the city had
16 some reservations on their side that they were still talking
17 about. This is going to happen fairly quickly.

18 THE COURT: When you say "fairly quickly," what's the
19 timeline?

20 THE WITNESS: I'm anticipating in the next 90 days,
21 no more than six months.

22 THE COURT: Now, that facility, as I -- and please
23 correct me if I'm wrong -- is going to be a facility that
24 houses persons who have been charged with misdemeanors.

25 THE WITNESS: Yeah. That would be a 72-hour maximum.

1 THE COURT: No, no, I'm -- well, first of all, that's
2 my first question. Charged with misdemeanors.

3 THE WITNESS: Yes.

4 THE COURT: That would include people -- speeding
5 tickets?

6 THE WITNESS: Anything defined from a law enforcement
7 standpoint as a misdemeanor, they would be housed over there.

8 THE COURT: Writing a bad check that's less than a
9 hundred dollars or --

10 THE WITNESS: That's a misdemeanor.

11 THE COURT: A simple assault.

12 THE WITNESS: All of those.

13 THE COURT: Doing doughnuts in the road.

14 THE WITNESS: That's a misdemeanor.

15 THE COURT: Simple traffic violations.

16 THE WITNESS: Right.

17 THE COURT: And I heard you mention 72 hours. So
18 that suggests to me -- and please correct me if I'm wrong --
19 that nobody would be there for more than 72 hours is what this
20 misdemeanor jail is about?

21 THE WITNESS: From my understanding and the
22 conversations that I've been privy to is you get booked in, you
23 hold them there until they go through the process, and
24 whatever the misdemeanor is, it shouldn't take over 72 hours to
25 get that misdemeanor processed.

1 THE COURT: When you say "processed" -- and maybe
2 somebody else is going to answer this question. But when you
3 say "processed," I mean, are we talking about people being
4 charged with a misdemeanor?

5 THE WITNESS: Your Honor, you're talking to the
6 county administrator. I don't know the legal --

7 THE COURT: Okay.

8 THE WITNESS: -- jargon for what constitutes
9 misdemeanor charges and what they take them through. If I
10 talked about that, I would be speculating at best.

11 THE COURT: Okay. But you indicated 72 hours. I'll
12 ask somebody else that.

13 THE WITNESS: Now, I've heard in conversations
14 72 hours, and it may have been the City of Jackson that said
15 72-hour holding. But that has come up in conversation.

16 THE COURT: Now, holding these misdemeanors -- I'm
17 not going to ask that question.

18 Has the county received a report from the sheriff's
19 department about the number of correctional officers who have
20 contracted COVID in the last 60 days?

21 THE WITNESS: Yes. The sheriff has given us a report
22 on officers that were -- that had contracted the virus. He's
23 given us a report in the meeting on what he's dealing with on
24 that.

25 THE COURT: Okay. And what about the number of

1 detainees who have contracted it?

2 THE WITNESS: He's also given us a report on that.

3 THE COURT: Has the county assisted the sheriff
4 with -- has the county been advised or told whether or not
5 there's an outbreak at the facility?

6 THE WITNESS: Yes. Yes, they have. And he's
7 basically told us that in order to quarantine, they have to do
8 certain steps and procedures. So he's giving us a report on
9 all of that.

10 THE COURT: Has the county assisted the sheriff in
11 dealing with the outbreak of COVID?

12 THE WITNESS: The county has assisted the sheriff in
13 everything he asked us to do.

14 THE COURT: And what has the county done in assisting
15 the sheriff in dealing with the outbreak of COVID?

16 THE WITNESS: Just whatever he said he needed. And
17 I'm not specific about it; but whatever he said he needed when
18 he talk about outbreak of COVID, whether it's his officers or
19 whether his prisoners, whatever he needed from us and the
20 board, we've given that to the sheriff's office.

21 THE COURT: And you indicated that it might not be
22 feasible to move forward with doing whatever the county had
23 originally said about dealing with the A-Pod.

24 THE WITNESS: Right. The situation you have, Your
25 Honor, is that you made a determination because of the consent

1 decree to build a new jail. Okay. You talked about the new
2 jail. But what you didn't do is include all of the money that
3 it was going to take in your budgeting process.

4 So we've been trying to deal with getting this new jail
5 up, paying the vendors, paying all of the contractors for
6 something that was not budgeted. We can't do it with funds
7 that were given from the federal government so it was coming
8 out of the general fund. So now, we're -- even if we did --
9 anticipated revenue loss and those funds, it was only so much.
10 So right now we're not in a position to spend upwards of
11 4 million, \$5 million to renovate something that's not going to
12 be there and we're building a new facility. That money should
13 be allocated for resources for that facility.

14 THE COURT: We heard testimony back in February about
15 the timeline for the new jail -- new jail to be built. Has
16 that timeline changed at all in the last five months?

17 THE WITNESS: I'm not for sure on the specifics of
18 the timeline. All I know, that they are moving very fast on
19 everything they're doing because I'm looking at what's coming
20 through, even today. So they are moving very, very fast on
21 putting all this together.

22 THE COURT: No concrete has been poured, right?

23 THE WITNESS: No, but they're already about to
24 pour -- right now they are getting all of the soil and all of
25 that straight to get ready to put the facility -- the

1 beginning, the initial down. So that's where they are.

2 THE COURT: So they've done the sewer? Is that
3 finished? Because there was talk back in February that they
4 would have to do a sewer line. Has that been finished?

5 THE WITNESS: Your Honor, if I -- I can't look at the
6 text that I got this morning, but there is paperwork to be done
7 on what we passed at the board that's going to allow them to go
8 in and begin processes on certain things. But I don't remember
9 exactly what it was.

10 THE COURT: I have no further questions. Any
11 follow-up based on the questions that I've asked?

12 MR. SHELSON: May I proceed, Your Honor?

13 THE COURT: You may.

14 **REDIRECT EXAMINATION** (Continuing)

15 BY MR. SHELSON:

16 Q. Mr. Jones, the sheriff testified that he got PPE, hand
17 sanitizer, and masks for RDC. That's through funds
18 appropriated by the county; is that correct?

19 A. Yes.

20 Q. And last question. Do you know -- and if you don't know
21 that's okay. But when the judge was asking you those questions
22 about who was going to be housed in JDC, do you know if those
23 are city defendants as opposed to county defendants, or do you
24 not know either way?

25 A. I'm thinking countywide. I'm thinking countywide because

1 if the county is involved in the process of giving that to the
2 city, it would only be my assumption that it's countywide for
3 those misdemeanors.

4 Q. But you don't know one way or the other whether it's just
5 city or not, do you?

6 A. I don't.

7 MR. SHELSON: Okay. Thank you, Your Honor.

8 THE COURT: All right. You're welcome.

9 Any follow-up, Mr. Cheng?

10 MR. CHENG: Just a couple.

11 **RECROSS-EXAMINATION**

12 BY MR. CHENG:

13 Q. You talked a little bit about the Jackson Detention Center
14 is in physically good shape, right? I was wondering: Have you
15 read the older monitoring reports about the condition of the
16 Jackson Detention Center?

17 A. I have.

18 Q. Do you know, for example, if it's a sprinkler system?

19 A. I don't know.

20 Q. Do you know if the fire alarms or smoke detectors work?

21 A. No.

22 Q. If it turned out that those systems also had to be
23 replaced, that could affect the cost of opening Jackson
24 Detention Center, correct?

25 A. Right.

1 Q. Likewise, do you know if those misdemeanors, any of them
2 have serious mental health issues?

3 A. I do not.

4 Q. Is it possible that there are some who get in there
5 because of vagrancy that may be related to mental health
6 issues?

7 A. I would be speculating in my answer.

8 Q. Do you know, then, if that Jackson Detention Center is
9 going to need medical or mental health staff?

10 A. Haven't had a conversation about it.

11 Q. And that could also affect the cost of opening up Jackson,
12 correct?

13 A. I would assume.

14 Q. And you talked a little bit about the 72 hours to process.
15 I just want to get a clarification: Have you ever heard either
16 the chief of police or anyone on the Jackson side talk about
17 the need to be able to punish the misdemeanors in the first
18 72 hours before they have to go to court?

19 A. Punish?

20 Q. Yes.

21 A. What's your definition of "punish"?

22 Q. Well, you know, basically they need to be able to take
23 them off the streets and give them a sanction for what they
24 did. Have you ever heard anything like that?

25 A. No. I'm simply talking about you doing the doughnut in

1 the street and get arrested, and that's where they going to put
2 you.

3 Q. Okay. But if somebody were arrested for misdemeanor, I
4 mean, they could be turned around within 24 hours, couldn't
5 they?

6 A. They could have, I'm sure. They have been turned out
7 within 24 hours, depending on the crime.

8 Q. And once you set it at 72 hours, are you aware of the
9 higher risks that occur when inmates are housed for longer than
10 just a short time in a jail?

11 A. No, I'm not.

12 Q. If there were additional risks, for example, from suicide
13 or spreading infectious disease, could that affect the cost of
14 opening up the Jackson Detention Center?

15 A. I would assume so.

16 Q. There was also some discussion about the agreement with
17 the other jurisdictions and how you would be involved in that
18 conversation, that the sheriff was working it out with other
19 counties. Do you remember that?

20 A. That would be the sheriff's call on law enforcement that
21 he's talked to --

22 Q. Right.

23 A. -- from surrounding areas. All I know is that I've seen
24 him collaborate on that before.

25 Q. When sheriffs collaborate on housing each others' inmates,

1 do they work out things, like, who pays for it when they
2 transport?

3 A. I'm not sure.

4 Q. But if they had to pay for transport, would that be
5 something they need the board's approval on?

6 A. Transport? Isn't transport just a regular function of?

7 Q. Well, let me ask this, then: So, for example, let's say
8 you moved a hundred inmates to other counties, right?

9 A. Right.

10 Q. Do you know who would pay for moving those inmates to the
11 other counties?

12 A. I don't. No.

13 Q. If the sheriff does come up with an agreement and the
14 county has to take on a cost, would you have to -- would the
15 board have to approve paying for transporting those inmates?

16 A. They would have to approve for what the sheriff asked for
17 because I'm sure whatever agreement that they talked about, it
18 would be an agreement where there would be two entities instead
19 of one.

20 Q. Do you know if Rankin County has asked Hinds County to
21 hold any of their inmates with serious mental illness or
22 serious medical problems?

23 A. I have no idea.

24 Q. If the county took someone like that and had to pay for
25 their medical care, do you know who would pay, the county or

1 Rankin County? Hinds County or Rankin County?

2 A. I'm not sure on any of that. The only thing we've dealt
3 with from Rankin County that's come into Hinds County is stop
4 dropping your people off in our parking lots, and we catching
5 it on camera, so....

6 Q. Right. Because once they put them in your parking lot, if
7 you have to take care of the inmate, you have to pay for
8 everything, right?

9 A. It becomes a -- we -- it becomes our problem then.

10 Q. So as a county, you're not inclined to just take
11 other-county inmates if it imposes a bigger cost on you, right?

12 A. No. No, no. Not in that form.

13 Q. So the answer is you would not want to take those inmates,
14 right?

15 A. We're going to take the inmates that we have to to
16 maintain the law. Now, you're talking about an agreement
17 between counties, and the agreement between counties is
18 different than we're forced to do something because you -- you
19 know.

20 Q. So if there is going to be an agreement for other counties
21 to take your inmates, would it be fair to say that a lot of the
22 details have not been worked out yet?

23 A. Not on my end that I would be privy to because I don't
24 know.

25 MR. CHENG: Thank you.

1 THE COURT: Let me just follow up so we make sure
2 we're talking about the same thing.

3 Mr. Jones, when you -- I'm doing this for the record, so I
4 just want to make sure it's clear. When you're talking about
5 dropping people off, of course, the court has read and has
6 always heard about persons being released from Whitfield, some
7 medical facility maybe; and a person is discharged from there
8 and dropped off in a parking lot in Jackson. Is that what you
9 were referring to, something like that?

10 THE WITNESS: Yeah, or that person migrated from
11 Jackson to your area and was brought back.

12 THE COURT: Okay. Migrated from Hinds County to
13 another area and then law enforcement in the other area bring
14 them back to Hinds County.

15 THE WITNESS: Right.

16 THE COURT: Okay. A vagrant or someone else, and
17 then Hinds County becomes responsible if that person is
18 arrested?

19 THE WITNESS: Right. Right. Right.

20 THE COURT: Okay.

21 THE WITNESS: And most of those instances, Your
22 Honor, have been mental illness.

23 THE COURT: Right. And once they come into the
24 custody of Hinds County, then Hinds County is responsible for
25 the medical services that these persons might need.

1 THE WITNESS: Right.

2 THE COURT: And going back to the question with
3 respect to the agreement that the sheriff might have with
4 another sheriff's department or another state, local agency,
5 inmates who are housed in the Raymond Detention Center or who
6 could be housed in the Raymond Detention Center, the sheriff
7 could have an agreement with another county that a person from
8 there be housed at your particular facility and not at Raymond.

9 THE WITNESS: Right.

10 THE COURT: And if that agreement exists, then that
11 inmate who is -- that detainee who is at the other facility,
12 when they need to come to Hinds County or wherever they might
13 go for court appearances and have to be transported, there's a
14 cost to that, correct?

15 THE WITNESS: That's true.

16 THE COURT: And to the extent that there might be
17 multiple or dozens or hundreds of inmates who are a part of
18 that agreement, if there are costs associated with the person's
19 care, transport, that Hinds County might be responsible for
20 paying --

21 THE WITNESS: Uh-huh.

22 THE COURT: -- you would expect some sort of written
23 agreement that the County would have to approve. Is that a
24 fair statement?

25 THE WITNESS: That's correct. That's correct. That

1 written agreement would be predicated on the fact of whatever
2 the reasoning should be for it to have that agreement.

3 Sometimes that agreement could pertain to safety. If you've
4 got -- we want to put them in your facility until we can calm
5 this down because those are the shot callers, and we need to
6 move them from there to maintain order. So it's all in that.

7 THE COURT: Okay. Is there a written agreement to
8 that effect where you have --

9 THE WITNESS: I'm not sure. It would be on the law
10 enforcement side.

11 THE COURT: Okay. But to the extent that there would
12 be costs later paid --

13 THE WITNESS: Yeah.

14 THE COURT: -- associated with that, would -- do you
15 get an invoice? Do you get -- does the county get something in
16 writing?

17 THE WITNESS: Well, now, the sheriff has -- the
18 sheriff has a budget also. So a lot of the things -- a lot of
19 the things that the sheriff can do, when the sheriff comes to
20 us, it's because he want certain things that may qualify for
21 pockets of money that we have, additional equipment, computers,
22 all of that. Pockets of money allow us -- and there are things
23 that he got, body cameras, that qualify for that money that may
24 have not been in the original order.

25 So that's what we help with, but he also has his own

1 budget. So if we're going to incur a cost, he'll let us know
2 what cost we're going to incur and why.

3 THE COURT: Okay. All right.

4 Any follow-up based on what I've asked? I know I went
5 back and asked some separate questions.

6 MR. SHELSON: No, Your Honor.

7 THE COURT: Mr. Cheng.

8 MR. CHENG: No, Your Honor. Thank you.

9 THE COURT: All right. Mr. Jones, you may step down.

10 THE WITNESS: Thank you.

11 THE COURT: Let me ask, does the county have any
12 other witnesses?

13 MR. HALL: No, Your Honor.

14 THE COURT: Okay. At this time I think it's
15 appropriate for us to take our lunch break. And when we
16 return, I guess we'll hear from the United States.

17 MR. CHENG: Yes, Your Honor. We anticipate it should
18 be a fairly quick presentation. We think Ms. Simpson will be
19 called first.

20 THE COURT: Oh, okay. All right. Let's then -- it's
21 12:10. Let's come back at 1:30, and then we will start back
22 from there. Is there anything we need to take up before then?

23 MR. DONNELLY: I apologize, Your Honor. Based on
24 sort of what's been happening and the length of the defendant's
25 presentation and what we're going to put on this afternoon, the

1 question comes up about the general update that you were
2 looking for from the monitors, and it seems like that is
3 probably not going to happen during the exams, and I'm not sure
4 how you wanted to handle that.

5 THE COURT: We'll figure it out once we start back
6 up.

7 MR. DONNELLY: All right. Thank you, Your Honor.

8 THE COURT: Thank you.

9 (Recess from 12:11 p.m. to 1:32 p.m.)

10 THE COURT: Is there anything we need to take up
11 before we begin?

12 MR. CHENG: No, Your Honor.

13 THE COURT: All right.

14 MR. HALL: No, Your Honor.

15 THE COURT: All right. Mr. Cheng, are you ready to
16 call your first witness?

17 MR. CHENG: Yes, Your Honor. The United States calls
18 Elizabeth Simpson.

19 **ELIZABETH SIMPSON**

20 was thereupon called as a witness and, having first been
21 duly sworn, testified as follows:

22 THE COURT: Ms. Simpson, you may remove your mask to
23 testify. You can do that. All right. We know the rules of
24 engagement, if you will, about speaking and stuff.

25 So go ahead, Mr. Cheng.

1 MR. CHENG: Yes.

2 **DIRECT EXAMINATION**

3 BY MR. CHENG:

4 Q. Ms. Simpson, since the second contempt order, what type of
5 compliance monitoring activities have you engaged in?

6 A. Well, we review the monthly reports as they become
7 available, when they're available. And then we scheduled a
8 site visit to begin May 31st. And we typically and did request
9 documents to be available prior to the site visit in order to
10 review those in connection with the site visit.

11 Q. So that May 31st date around the time -- was that around
12 the time of the holiday?

13 A. Yes. I think Memorial Day was the 30th, and we traveled
14 on the 30th and then did one day of monitoring on-site.

15 Q. And were you aware that there were some trending for COVID
16 at this time?

17 A. That there were what?

18 Q. That there were some trending in COVID cases at the time?

19 A. Trending COVID cases? Just what I read in the news, that
20 there -- COVID cases were on the rise everywhere, actually.

21 Q. So did your team take any precautions before it started
22 its jail inspection?

23 A. Yes. Mr. Parrish had some symptoms prior to the site
24 visit, so he tested for COVID and tested negative and then he
25 wore a mask the entire time we were on-site. And Dr. Dudley

1 and I wore a mask as well, probably not quite as consistently
2 as Mr. Parrish.

3 Q. Did anyone on the county side? Were they wearing masks
4 during the inspection?

5 A. Generally, no.

6 Q. Was there --

7 A. But some of the staff did but not the people that
8 accompanied us on the tour.

9 Q. How about, like, the jail leadership, such as the sheriff?

10 A. No, I don't believe they were wearing masks.

11 Q. So you may have heard testimony today about how the COVID
12 situation prevented them from moving inmates from A-Pod to B or
13 C. Do you have any opinion about that?

14 A. Yes. What I understand is that -- well, so the site visit
15 was aborted when Mr. Parrish tested positive, and then we
16 returned home and we finished the site visit remotely. So on
17 June 22nd, the information I gathered on that day was related
18 to COVID.

19 As of that day, there were 17 detainees that were
20 quarantined for COVID. Ten of them were in C-Pod, housing
21 units 1, 2, and 4. Seven of them were quarantined in B-1 iso.
22 So C-Pod and B-1 iso were impacted. A-Pod and the B-Pod
23 housing units were not impacted. There was nobody quarantining
24 there because of COVID. And the quarantine that was in the
25 C-Pod and B-1 iso was scheduled to end I believe on July 1st.

1 So even prior to July 1st, COVID would not have prevented the
2 movement of inmates from A-Pod to B-Pod -- or the B-Pod housing
3 units.

4 And after July 1, I don't know if there were new cases
5 after that time. I didn't hear testimony this morning as to
6 how many current cases there are who's quarantined. But as I
7 said, as of June 22nd, A-Pod and B-Pod housing units were
8 unaffected, so that movement could have taken place.

9 Q. Did you ever receive a rapid notification indicating that
10 a member of your team had brought COVID into the facility?

11 A. A rapid notification? I don't think so.

12 Q. Did you ever get a copy of a contact tracing report or
13 medical records indicating that they determined that your team
14 brought COVID into the facility?

15 A. No.

16 Q. Now, in the past you had a compliance coordinator,
17 Mr. Green, working with you; is that right?

18 A. Yes. I mean, he was employed by the county, but he
19 assisted us with compliance activities.

20 Q. And would a compliance coordinator be responsible for
21 providing you with COVID information if new information came to
22 light?

23 A. We did receive it through Mr. Green, yes, when new cases
24 occurred.

25 Q. Since Mr. Green left have you been receiving periodic

1 reportings about the COVID situation in the jail?

2 A. No.

3 Q. And to your knowledge what type of screening or testing
4 program do they actually have for COVID in the jail?

5 A. I did ask whether the other detainees in the quarantined
6 units were being tested and was told no, that they were not.
7 And I believe that new detainees coming into the facility are
8 offered the opportunity to be tested, but they're not required
9 to be tested.

10 Q. And prior to the May visit from Mr. Parrish, could they
11 have moved inmates from A to B and C at that time?

12 A. As far as I know. Well, COVID would not have prevented
13 it. The problem is there aren't sufficient beds.

14 Q. So let's talk about that. Have you determined what does
15 prevent them from moving inmates from A to other housing units?

16 A. Well, if they want to move people into actual beds, they
17 don't have enough beds.

18 Q. So based on your assessment, what was the last count for
19 the jail?

20 A. The count we were given on May 31st was 711 in the system.

21 Q. And how does that compare with earlier in this case when
22 you first started monitoring?

23 A. At one point they were below 500. I think it went down,
24 from when we started monitoring, to the upper 400s, around 500;
25 and then it started going up.

1 Q. So, you know, they've made a point of saying how they were
2 going to move people from A-Pod to B or C. And I guess there's
3 been some discussion about the expense of renovating A-Pod.

4 Did you hear that testimony?

5 A. I heard it this morning, yes.

6 Q. So leaving aside the physical plant expenses, were there
7 other things they were supposed to do to mitigate conditions in
8 A-Pod?

9 A. Well, most of it's physical plant issues. There's also
10 serious staffing problems in A-Pod.

11 Q. So what is the current staffing for the jail?

12 A. So for RDC -- well, the total number is 175. RDC has 108.

13 Q. And again, how does that compare with earlier in this case
14 when you first started?

15 A. This is the lowest we've seen it.

16 Q. How does it compare to even when the trial occurred in
17 February?

18 A. At that time I believe the number was 195. So it's
19 dropped from even February.

20 Q. And with that drop in staffing, does that affect B and
21 C-Pods or just A-Pod?

22 A. Oh, it affects all the pods.

23 Q. So are there supervision issues in any pods outside of A?

24 A. Yes, yes.

25 Q. So it would be --

1 A. I was just going to say the staffing level at RDC is at
2 about 42 percent. They need -- according to the staffing
3 analysis, they need 258; and they've got 108 staff. So they
4 can't staff any of the pods adequately.

5 Q. So if they move the inmates from A-Pod to B or C, does
6 that resolve the staffing issue?

7 A. No. No. Right now, because of the staffing level, they
8 often have one person in the control room and maybe one person
9 on the floor. So they would gain some staff by closing A-Pod
10 but not nearly enough to adequately staff the other pods.

11 Q. And if they had closed A-Pod and moved everyone to B and
12 C, would that have impacted other things they were supposed to
13 do involving mental health care segregation?

14 A. Well, if they structured it well, they have enough inmates
15 with severe mental illness, with SMI, that they could dedicate
16 one housing unit to that population, even -- even if they're
17 trying to move A-Pod out, because that population is taking a
18 bed somewhere. If they put them all on one unit, that could be
19 a mental health unit. It would have to be done purposely and
20 well in order to move all the inmates and still move forward
21 with the mental health unit.

22 Q. So did they purposely and well plan the movement of those
23 inmates?

24 A. It doesn't appear that they have planned that yet.

25 Q. So what happened to the mental health unit?

1 A. They have decided not to move forward on creating a mental
2 health unit.

3 Q. So if they move the inmates from A to B or C, do they
4 still have inmates with serious mental illness in the jail?

5 A. Oh, yes.

6 Q. What's the caseload like right now?

7 A. I understand that it is now at about 250 on the mental
8 health caseload. About 200 of them have SMI.

9 Q. And how does that compare with when we had the hearing in
10 February?

11 A. That's gone up as well.

12 Q. Even back in February was it ever your intention to
13 suggest that A-Pod is the only place where bad things happen in
14 the jail?

15 A. No.

16 Q. So are B and C dangerous as well?

17 A. Yes. Yes. I keep a spreadsheet of the assaults,
18 including where they occur; and C-Pod has close to the same
19 number of assaults as A-Pod.

20 Q. And have they had issues with locks and doors in the B and
21 C as well?

22 A. The cell doors are certainly much harder for the detainees
23 to pop open. But there are some incident reports that -- in
24 which they have popped them open, including the cage doors. So
25 that happens.

1 The C cell-door windows have not all been replaced yet,
2 and there has been an issue with them being broken out and
3 detainees crawling out the windows. They're replacing those
4 sort of on an ongoing basis.

5 Q. How about fire safety? Do they have fires or fire safety
6 issues outside of A-Pod?

7 A. Yes. There are fires that are set outside of A-Pod. One
8 of the C housing units, I think it's C-3, does not have a --

9 MR. HALL: Objection, Your Honor. It's outside the
10 scope of the hearing. She's testifying about C-Pod. We're
11 here to talk about A-Pod, Your Honor.

12 THE COURT: Objection overruled.

13 MR. HALL: And likewise, a second objection, Your
14 Honor. I'm not clear on what time Mr. Cheng is asking. If
15 she's talking about things that happened in 2018 or 2019, that
16 needs to be stated. So if he could be specific as to when.

17 THE COURT: Rephrase your question.

18 BY MR. CHENG:

19 Q. Well, let's focus in on the last couple of months. Are
20 there still fires and fire safety issues in B and C-Pod?

21 A. Yeah. In this time frame, as I said, we reviewed the
22 incident reports. So there certainly have been fires in C-Pod
23 during this time frame. Also, at the time of the site visit,
24 like I said, I believe it's C-3 the fire hose had been removed
25 because the cabinet had been damaged, destroyed.

1 There is -- oh, and because there aren't officers in the
2 units, the fire extinguishers have been removed from the units
3 and are kept in the control room.

4 Q. And so, you know, even outside of the A-Pod, are inmates
5 able to break out of the pods?

6 A. Yes. There are incident reports in which they have not
7 only broken out of their housing units but actually gone from
8 there to the great hall.

9 Q. And that is even in the last couple of months?

10 A. Yes. There were, I believe, three incidents in May where
11 inmates managed to access the great hall.

12 MR. CHENG: If I could confer with my counsel, Your
13 Honor.

14 THE COURT: Okay.

15 (Off-the-record discussion between government counsel.)

16 MR. CHENG: No other questions, Ms. Simpson. Thank
17 you.

18 THE WITNESS: Thank you.

19 MR. HALL: May it please the court.

20 THE COURT: You may proceed.

21 **CROSS-EXAMINATION**

22 BY MR. HALL:

23 Q. Ms. Simpson, I just have some preliminary questions for
24 you. What did you do to prepare for your testimony today?

25 A. Well, I went back through my notes from the site visit, I

1 mean, this is what I've been doing to prepare to do the report,
2 which is basically the same thing as preparing for the hearing.

3 Q. All right.

4 A. So back through the notes, the incident reports, the
5 documents, et cetera.

6 Q. And before we start there, tell us just for the record:
7 What is your role as a monitor?

8 A. My role is essentially to be the eyes and ears of the
9 court, to do reviews of the jail conditions and compared to now
10 the new injunction, and report back to the court as to whether
11 I find compliance or not.

12 Q. And your function is independent in nature, isn't it?

13 A. Yes.

14 Q. How do you define "independent"?

15 A. That I answer to the court.

16 Q. You're not on our side; you're not on their side, right?

17 A. That's correct.

18 Q. All right. Likewise, before -- have you ever conferred
19 with any plaintiff attorneys, meaning attorneys who have
20 lawsuits against the county?

21 A. Hinds County?

22 Q. Yes.

23 A. There was one attorney who had information about some
24 assaults in the jail, and I talked with him to gather that
25 information.

1 Q. What's his name?

2 A. I don't remember.

3 Q. Chuck Mullins?

4 A. That sounds right.

5 Q. When was that?

6 A. Probably six to ten months ago.

7 Q. So prior to your last testimony, you conferred with
8 Mr. Mullins, right?

9 A. I gathered information from him, yes.

10 Q. How did you get the information?

11 A. Over the phone.

12 Q. Do you know how he got your phone number?

13 A. No.

14 Q. Did you call him or did he call you?

15 A. He called me, I believe.

16 Q. Did you advise the court that you were speaking to
17 Mr. Mullins?

18 A. No.

19 THE COURT: For the record, Mr. Mullins is entered as
20 an interested party in one of these cases.

21 MR. HALL: Well, Your Honor, can I respond?

22 THE COURT: Pardon me?

23 MR. HALL: Mr. Mullins filed a motion. The court has
24 not ruled on it. And we can object, we will object, but the
25 court has -- he's not been allowed to -- looks like he just

1 filed that motion and got ECF admittance or admission. So if
2 that's the case, then any plaintiff lawyer that has a case
3 against the county should be able to be here, or none of them
4 should be.

5 So I plan on filing a response to Mr. Mullins' motion as
6 an interested party, but I don't know that there's anything in
7 that motion that allows him to confer with the independent
8 monitors.

9 THE COURT: Okay. We'll take it up.

10 MR. CHENG: I'm sorry, Your Honor. Can I get a
11 clarification? Is that Mr. Mullins as the interested party
12 role in this case or in another case?

13 THE COURT: It's in one of the -- I think he's filed
14 a motion in this case, I think, because I think he's attended
15 some of these proceedings.

16 MR. HALL: I was about to ask about that, Your Honor.
17 BY MR. HALL:

18 Q. Did you speak with Mr. Mullins during the February
19 proceedings?

20 A. No.

21 Q. So just before that -- my line of questioning was broken.
22 Did you advise anybody from the court -- from the county that
23 you were conferring with a lawyer that was suing them?

24 A. So I would not agree with the term "confer." I was
25 gathering information regarding the assaults that he was

1 familiar with. So I was not providing any information to him.
2 So no, I did not tell anybody from the county that I was
3 gathering information from him.

4 Q. Why not?

5 A. Because I gather information from lots of sources. I
6 don't necessarily tell either group of attorneys what I'm
7 gathering.

8 Q. So just so we're clear, you investigated certain things at
9 the behest of a plaintiff lawyer. Is that what happened?

10 A. No. He let me know that he was representing the family, I
11 believe, of at least one of the inmates who had died. And I
12 talked with him about the information that he had regarding
13 that incident.

14 Q. How long did you talk to him?

15 A. How long?

16 Q. How long did that take, yes.

17 A. I don't know. 20 minutes.

18 Q. How many conversations have you had with Mr. Mullins?

19 A. One. Just that one.

20 Q. Now, besides Mr. Mullins -- we've got that one -- did you
21 send him information via email?

22 A. No.

23 Q. How did you get the information -- or did you -- how did
24 you get any other information from him besides that phone call?

25 A. Just the phone call.

1 Q. And likewise, when I say did you talk to anybody from the
2 county about this, did you talk to Mr. Green about this?

3 A. I don't believe so.

4 Q. Now, likewise, with respect to your preparation, did you
5 confer with the government prior to your testimony today?

6 A. Yes.

7 Q. Let's talk about that. How often? When did you first
8 start talking with -- conferring with the government prior to
9 testifying today?

10 A. I had a conversation in -- I think it would have been late
11 June.

12 Q. And who did you speak with?

13 A. Mr. Cheng.

14 Q. How often do you talk to Mr. Cheng?

15 A. Prior to this, I had two phone calls with him.

16 Q. I want to know right now how often you talk to Christopher
17 Cheng.

18 A. I'm sorry. What?

19 Q. How often do you talk to Mr. Cheng?

20 A. On an ongoing basis?

21 Q. Within the last month?

22 A. Within the last month? I had two phone calls, and then we
23 touched base when I got in last night.

24 Q. And likewise, during this hearing, you also stepped
25 outside with his cocounsel to discuss things?

1 A. Yes.

2 Q. What did y'all talk about?

3 A. I let him know the information that I was familiar with
4 regarding COVID.

5 Q. And on that same token, how often have you and I spoken?

6 A. Not frequently. I think we've had one one-on-one phone
7 call; and then, of course, during the site visits we're on the
8 Zooms together.

9 Q. We don't have each other's cell phone numbers or anything
10 like that, do we?

11 A. I don't know if I have your cell phone number.

12 Q. All right. Well, I can tell you I don't have yours.

13 Do you have cell phone numbers of any of these other
14 lawyers here, Mr. Morisani or Mr. Shelson?

15 A. You know, I'd have to look in my phone, but --

16 THE COURT: Well, let me ask you this: Have y'all
17 given her your cell number?

18 MR. HALL: It's never come up, Judge.

19 THE COURT: Have you given her your cell number?

20 MR. HALL: No. It's never come up, Your Honor.

21 THE COURT: Have you given her your cell number?

22 MR. HALL: I have not.

23 THE COURT: Okay. I mean, the problem -- I mean,
24 you're going down a track that's -- well, go ahead with your
25 examination.

1 MR. HALL: Thank you, Your Honor.

2 BY MR. HALL:

3 Q. With respect to the conference that you had during this
4 hearing with counsel opposite, you gave him some information
5 about COVID.

6 A. Yes.

7 Q. Okay. What information did you give him?

8 A. That COVID had not impacted housing units A and B.

9 Q. That's a good thing, isn't it?

10 A. Yeah.

11 Q. Likewise, with respect to exhibits, prior to this hearing
12 have you exchanged exhibits or conferred with Mr. Cheng or his
13 cocounsel about any exhibits pertaining to this hearing?

14 A. When we touched base last night, we looked at both the
15 plaintiff's and defendants' exhibits.

16 Q. So did you meet with him in person?

17 A. Yeah, in the lobby.

18 Q. Where -- everyone staying at the same hotel?

19 A. Yeah.

20 Q. And how long did that visit last?

21 A. Not very long. Maybe a half hour.

22 Q. And who initiated that visit?

23 A. Mr. Cheng.

24 Q. Again, did you advise the court that you were meeting with
25 the government prior to today?

1 A. Not specific to that meeting.

2 Q. Let me ask you this: Prior to today's hearing when was
3 the last time you spoke with Mr. Green?

4 A. It would have been, I think, late April.

5 Q. Now, let's talk about your last visit. Okay?

6 A. Okay.

7 Q. You were asked earlier about trending numbers. Do you
8 recall that?

9 A. Yes.

10 Q. And as far as I can recall, and correct me if I'm wrong,
11 the issue of trending numbers, COVID trending numbers was never
12 discussed between the monitoring team and the county prior to
13 that May 31st visit, was it?

14 A. Prior to the visit, no.

15 Q. And there was no discussion whatsoever about COVID having
16 any impact whatsoever on the upcoming visit, was there?

17 A. No.

18 Q. And the first time I heard this, now, you testified that
19 Mr. Parrish actually had symptoms before coming into our
20 facility; is that right?

21 A. Yes. He thought he had allergies.

22 Q. Okay. Did he tell you that the first time back in
23 February -- or I guess you-all came in January, right?

24 A. I think January. Yes. Yes. January.

25 Q. During that visit, now, was there any discussion about him

1 having any type of symptoms before coming into our facility?

2 A. No.

3 Q. All right. So, now, this last one, a member of your team
4 has symptoms. Did you think to call anybody with the county to
5 advise that Mr. Parrish has had some symptoms?

6 A. No. He had tested negative.

7 Q. Do you know when he tested negative?

8 A. The day that he traveled.

9 Q. And that's what he told you.

10 A. Yes.

11 Q. And at some point you testified about mask-wearing, right?

12 A. Yes.

13 Q. You weren't around Mr. Parrish the whole time, were you?

14 A. No.

15 Q. You split up at some point, didn't you?

16 A. Yes.

17 Q. Where were you?

18 A. Well, we were on -- we were together for the first meeting
19 with Mr. Shaw and the command staff. Then we did the tour
20 together, although we got separated. And then I believe I
21 talked with Sergeant Tillman, and I'd have to look at my
22 schedule to know who else.

23 Q. Let me go back. Did you tell the court that a member of
24 your team had some symptoms prior to coming into our facility?

25 A. No.

1 Q. Why not?

2 A. Because he had tested negative.

3 Q. So you can't testify one way or the other if Mr. Parrish
4 had his mask on during the entirety of his visit at our
5 facility, can you?

6 A. When we were separated I would not be able to say.

7 Q. Now, let's talk about when you found out that he was
8 actually positive. You sent us an email; is that right?

9 A. That's right.

10 Q. Did you call the federal government lawyers and tell them
11 that Mr. Parrish had indeed come up positive?

12 A. No. I think you were all on the same email, I think.

13 Q. That was the email you ended with "what an adventure" or
14 something like that?

15 A. Something like that.

16 Q. You know, you said that in jest?

17 A. Well, yeah and no. I mean, it certainly wasn't
18 anticipated and kind of threw things off course.

19 Q. Right. Now, prior to -- because you keep up with this
20 stuff. Prior to your visit at the end of May, had you known of
21 any type of COVID outbreak at the Raymond Detention Center?

22 A. I had not known of any. We weren't getting COVID
23 information at that point.

24 Q. Well, if there was an outbreak or some type of issue,
25 would you have expected to be kept out of our facility if we

1 had problems in the facility at the time?

2 A. No. I mean, there were problems in the facility in
3 January and we were in the facility.

4 Q. Okay. And how many problems were in the facility in
5 January?

6 A. There were quite a few staff that were out due to COVID
7 and I believe a number of inmates that had tested positive.

8 Q. And tell me, when was it you visited in January?

9 A. Mid-January. I don't know.

10 Q. Those positive COVID numbers had no impact on your visit,
11 though, did they?

12 A. Well, we went in anyway.

13 Q. Well, my question is if -- you were able to do your visit,
14 right?

15 A. We were able to do the visit. There were some people out
16 that we would otherwise have talked to.

17 Q. Okay. Fast-forward now to this last one in May. You were
18 unaware of any type of COVID issues at RDC, right?

19 A. That's right.

20 Q. And then you advised that Mr. Parrish was, in fact,
21 positive; is that right?

22 A. Right.

23 Q. And at some point you stopped the visit, right?

24 A. Well, we were required to stop the visit.

25 Q. Who required you to stop it?

1 A. We arrived at RDC; and we were met there by Mr. Morisani,
2 who told us that the sheriff had shut down the visit.

3 Q. Let me ask you this. I should have asked you before.
4 What is the monitoring team's COVID protocols?

5 A. Well, we've been remote for -- until January. And then
6 we -- we were on-site in January. In January there was quite a
7 bit of spike going on with COVID, and we were all wearing
8 masks. And I think we -- I know I had recently tested. I
9 think Mr. Parrish had tested.

10 Q. Answer my question. Did you have any protocols?

11 A. We don't have a formal protocol.

12 Q. Okay. Even after coming down here in January, you had not
13 developed any further protocols before this May visit, right?

14 A. Right.

15 Q. Have you developed any protocols since this May visit?

16 A. I think we will probably do it for the next visit.

17 Q. So the answer is "no" today, right?

18 A. Not right now, no.

19 Q. And I shouldn't begrudge you for planning to do something
20 in the future, should I?

21 A. When we have our next visit, yes, we need to have a
22 conversation about protocols for all of us.

23 Q. Well, my question is I shouldn't hold that against you
24 that you're going to plan on doing something, right?

25 A. Well, if I don't do it you should, but --

1 Q. So just the next visit we'll revisit this.

2 A. I think we all need to revisit it.

3 Q. All right. Now, with respect to Mr. Parrish coming down
4 with COVID, did you advise the court?

5 A. Yes, I did.

6 Q. When did you do that?

7 A. I sent an email probably when I got back to Albuquerque,
8 which was, I believe, Wednesday.

9 Q. Why didn't you tell the court when you told us?

10 A. Why didn't I tell --

11 Q. Why didn't you?

12 A. Because it didn't impact the court at that point.

13 Q. Okay. And at some point, though, we rescheduled a virtual
14 visit, right?

15 A. Right.

16 Q. And we have a COVID coordinator at the facility, right?

17 A. There has been one.

18 Q. Well, you know that Sheena Fields is the COVID coordinator
19 now. Are you telling the court you don't know that that's what
20 she does also?

21 A. Well, she -- under the prior jail administrator, somebody
22 else had taken that on; and I didn't know what happened with
23 that.

24 Q. Have you ever asked us, Who was your COVID coordinator?
25 Let me ask it that way.

1 A. Not recently.

2 Q. In fact, when you did your last visit, you stayed away
3 from the issue of COVID, didn't you?

4 A. No.

5 Q. Well, you talked to a lot of people --

6 A. Yes.

7 Q. -- in -- over two or three days?

8 A. Right.

9 Q. And you talked to Lieutenant George I guess --

10 A. Yes.

11 Q. -- about COVID. And what does Lieutenant George do at
12 RDC?

13 A. She's the inmate services manager.

14 Q. Didn't talk to Ms. Winfield, who's over the medical. No
15 one talked to her about COVID during the visit?

16 A. I don't know. I believe Dr. Dudley would have, but I
17 don't know.

18 Q. And we'll talk to Dr. Dudley about that. But you didn't
19 talk to her, right?

20 A. I did not talk with her.

21 Q. Okay. Same thing with Ms. Fields, who is the COVID
22 coordinator. You didn't have any questions for her either,
23 right?

24 A. Not about COVID.

25 Q. Now, you also testified about movements, and you gave your

1 opinions about when people could have been moved, et cetera,
2 right?

3 A. With respect to where the COVID quarantines were, yes.

4 Q. When you showed up on May 31st of this year, B-Pod was
5 ready to have inmates -- or detainees moved into it, was it
6 not?

7 A. B-3 was a little rough. It had not -- there were no
8 inmates there at the time, and it seemed like some of the
9 things were not quite complete.

10 Q. Let's be specific for the court, now. It's a little
11 rough. Let's be specific about everything that you saw that
12 wasn't right in B-3. Go.

13 A. Well, I would defer to Mr. Parrish on physical plant
14 issues, but the desk for the officer had not been finished out,
15 and I don't know if the cameras were done at that time.

16 Q. You don't know one way or the other.

17 A. Right. Like I said, I would defer to Mr. Parrish on
18 physical plant issues.

19 Q. All right. So the desk and the cameras, which, you know,
20 Mr. Parrish will testify about that. Anything else that was
21 not ready in B-3 for detainees to be moved there?

22 A. I think they couldn't get the door open initially.

23 Q. Which door?

24 A. The cage door from the horseshoe.

25 Q. All right. You think that or you know that?

1 A. I know they had trouble getting it open. I don't know
2 what the issue was.

3 Q. And that was in May -- in May.

4 A. Right. In B-3.

5 Q. Okay. What about B-1?

6 A. That's kind of when I got behind, and I don't think I went
7 into B-2 or B-1.

8 Q. And I was about to ask you about B-2. So you don't know
9 the condition of B-1 or B-2 testifying today, right?

10 A. I don't think I went in there. Yeah.

11 Q. Prior to this May 31st visit, remember Mr. Cheng asked you
12 about detainees being moved into B, right?

13 A. Right.

14 Q. And we didn't have any detainees in B, right?

15 A. Well, you didn't have them in B-3.

16 Q. And that's because B-3 wasn't ready for detainees; isn't
17 that right?

18 A. Like I said, it seemed like it wasn't quite finished.

19 Q. This was before -- I'm talking about way before your May
20 visit.

21 A. Oh, before our May visit. I know they started moving
22 inmates into B-Pod in the fall of 2021. Not all the units.

23 Q. And likewise, you understand the plan, that you had to
24 move some detainees from B to the work center, right?

25 A. Well, it wouldn't necessarily be required, but I think

1 that was what was being planned.

2 Q. Well, where else would you move them if they didn't go to
3 the work center?

4 A. They don't necessarily have to be moved.

5 Q. So space didn't need to be made in B to facilitate A?

6 A. Well, I think they were talking about moving trusties, of
7 which I believe there were 17. So there's plenty -- there's a
8 lot. I mean, I think there's a space issue. There aren't
9 enough beds. But it wasn't necessary to move those 17 in order
10 to move some inmates from A-Pod to B-Pod.

11 Q. That's your opinion.

12 A. Right. That's my opinion. And also the inmate services
13 manager said at the time of her interview that she did not have
14 the beds to move A-Pod inmates anywhere, that both facilities
15 were full.

16 Q. And you talked to her in -- that was June of 2022, right?

17 A. Right.

18 Q. After the COVID spike.

19 A. Well, there were inmates in quarantine for COVID --

20 Q. Right.

21 A. -- at that time.

22 Q. Okay. So that's -- can you and I agree that the COVID
23 spike has affected Hinds County's ability to move detainees
24 from A-Pod to B-Pod?

25 A. No.

1 Q. Had no effect whatsoever on it.

2 A. Not that I see.

3 Q. Is it okay, then, to move individuals or detainees in
4 A-Pod who do not have COVID -- you're saying it's okay to move
5 them into a pod where the other detainees do have COVID. Is
6 that your testimony?

7 A. No. There were no inmates in B-Pod that had COVID except
8 for B-1 iso.

9 Q. Okay. So -- except for B-1 iso. So there was a unit in
10 B-Pod that had COVID-positive detainees, right?

11 A. In iso unit, yes.

12 Q. All right. That's a whole unit, though.

13 A. Well, it's small. I mean, it's, like, a four-bed.

14 Q. Is it your testimony that you think it's a good idea to
15 move detainees who are not COVID positive throughout a facility
16 that is undergoing a COVID spike?

17 A. Well, not throughout the facility, not to the housing
18 units that had COVID.

19 Q. Now, in June the work center was on quarantine. Are you
20 aware of that?

21 A. No. We didn't ask questions about the work center.

22 Q. Well, I was on a call the other day you were asking
23 questions about the work center. Do you remember that?

24 A. We had a disagreement as to what was encompassed.

25 Q. All right. Well, we'll take that up with the court after

1 this hearing.

2 With respect to any other pods, though, it is your
3 understanding, though, that there were other pods at RDC that
4 were under quarantine since your May 31st visit, right?

5 A. C-Pod, housing unit 1, 2, and 4.

6 Q. But COVID had nothing to do with moving anybody from
7 A-Pod, according to you?

8 A. Right. To B-Pod.

9 Q. All right.

10 MR. HALL: One moment, Your Honor. I may be done.

11 THE COURT: All right.

12 (Off-the-record discussion between defense counsel.)

13 MR. HALL: Your Honor, I have no further questions.
14 I tender to the county.

15 THE COURT: Okay. Thank you, Mr. Hall.

16 MR. SHELSON: May I proceed, Your Honor?

17 THE COURT: You may.

18 **CROSS-EXAMINATION**

19 BY MR. SHELSON:

20 Q. Good afternoon, Ms. Simpson.

21 A. Good afternoon.

22 Q. You remember you testified on direct that when the
23 monitors were at RDC for the last site visit that no one from
24 the county wore a mask?

25 A. That's generally my recollection. I don't know. There

1 may have been somebody wearing a mask.

2 Q. Do you recall who was present for the county?

3 A. Mr. Morisani, and the sheriff was there for part of it,
4 Mr. Shaw, Chief Simon, Captain Caston, I think Captain McBride,
5 and that might have been it.

6 Q. And what monitors were there in person?

7 A. Well, Dr. Dudley was there, but he went directly to the
8 medical area. Mr. Parrish and I were there for that initial
9 meeting with command staff and the tour.

10 Q. So of all those people you just mentioned, to your
11 knowledge who got COVID within, say, two weeks of the site
12 visit?

13 A. I'm not aware of anybody that I mentioned having gotten
14 COVID.

15 Q. Except Dave Parrish?

16 A. Well, yeah, except Dave Parrish.

17 Q. You were asked whether any member of the monitoring
18 team -- well, strike that.

19 You were asked whether you received any rapid notification
20 or contact tracing regarding whether a member of the monitoring
21 team brought COVID into the facility. Do you recall that?

22 A. I recall being asked that, yes.

23 Q. And you said you received no such documents?

24 A. Not that I recall.

25 Q. Does that mean that a member of the monitoring team did

1 not bring COVID into the facility?

2 A. No.

3 Q. Are you contending that not receiving such rapid
4 notification or contact tracing is somehow a violation of the
5 new injunction?

6 A. Not that I can think of. I would leave that to the
7 attorneys.

8 Q. All right. You said that -- on direct that RDC does not
9 have enough beds to move people out of A-Pod; is that correct?

10 A. That's correct.

11 Q. When you said that, do you mean to move -- they don't have
12 enough beds to move everyone out of A-Pod or that they don't
13 have enough beds to move anybody out of A-Pod?

14 A. I believe they -- I believe they could move some people
15 out of A-Pod. At least -- B-3 was empty when we did the tour.
16 It apparently has people in it now. I mean, I'd have to look
17 as of today what the population is and what the empty bed
18 numbers are.

19 Q. You agree that moving detainees out of A-Pod, even if you
20 can't literally move everyone out of A-Pod, is a good
21 development?

22 A. I think to the extent they can close a housing unit is a
23 good development.

24 Q. So if they could -- if RDC could move enough detainees out
25 of A-Pod to close one of the units in A-Pod, that would still

1 be better than the current state of affairs?

2 A. That would be better, although I would add that the
3 current staffing level is so low that none of the pods are
4 safe.

5 Q. Did you testify that the number of detainees at RDC is
6 going up?

7 A. It has been. The last figure I have is from May, so I
8 don't know what's happened between May and now.

9 Q. And do you contend that the fact that a number of
10 detainees in RDC is going up is somehow a violation of the new
11 injunction?

12 A. The conditions that have resulted I believe are a
13 violation of the new injunction.

14 Q. But that's not what I asked you. Are you contending that
15 the fact that the number of detainees is going up is a
16 violation by the county of the new injunction?

17 A. The new injunction does not address a hard number of
18 inmates allowed to be in the facility.

19 Q. All right. And the facility does not control who gets
20 arrested for a felony in Hinds County, does it?

21 A. That's correct.

22 Q. So bottom line, do you think it's good to try to move as
23 many detainees as you can out of A-Pod or not?

24 A. I think moving detainees out of A-Pod would be a good
25 thing.

1 Q. You also mentioned on direct that the number of detainees
2 with SMI has gone up. Do you recall that?

3 A. Yes.

4 Q. You contend that that's a violation of the new injunction?

5 A. Not the number alone, no.

6 Q. Okay. And RDC cannot control whether people with SMI
7 commit a felony and get arrested for that felony, can they?

8 A. No, they don't. They do have to provide services, though,
9 if they do come into the jail.

10 Q. Did you testify in direct that you've -- since the last
11 site visit before the most recent one, you've done an analysis
12 of the number of assaults at the facility?

13 A. Analysis might be too strong a word. I keep a spreadsheet
14 that lists the inmate involved, the location, whether the
15 inmate was hospitalized, how the officer came to know of the
16 assault.

17 Q. Do you have that spreadsheet with you?

18 A. I think that the government has it as an exhibit, although
19 I guess no exhibits were entered.

20 Q. In your spreadsheet, how did you define assault?

21 A. If there was physical contact, then I -- I mean, sort of
22 aggressive physical contact. If there's an argument but
23 there's no physical contact, I don't define it as an assault.
24 If the argument escalates to where there's physical contact, I
25 do.

1 Q. So you're actually defining a battery?

2 A. Yes.

3 Q. You talked about staffing a little bit. Do you recall
4 that?

5 A. Yes.

6 Q. Did you testify that the last count you had there were 108
7 detention officers at RDC?

8 A. Yes.

9 Q. I wasn't clear on how many detention officers you're
10 saying there should be under the staffing plan at RDC.

11 A. The staffing analysis would call for 258 if two of the
12 housing units in A-Pod were closed. At the time the staffing
13 analysis was done, that was the plan, was to close two of the
14 housing units. So it was done on that basis.

15 Q. So given that A-Pod is occupied, how many detention
16 officers are you saying should be at RDC?

17 A. That was not done in the staffing analysis. Like I said,
18 it was done considering that two housing units, when closed in
19 A-Pod, I mean, you would have to add two more unit officers for
20 three shifts and a relief factor and probably an additional rec
21 officer. So you'd have to do that analysis. Mr. Parrish might
22 be able to do it in his head, but I can't.

23 Q. So let's keep it simple. 258 under the staffing plan that
24 exists now, and there's 108 current; is that correct?

25 A. Correct. In RDC.

1 Q. At RDC. So that's a difference of 150?

2 A. Thereabouts, yeah.

3 Q. So do you have any views of what the county would have to
4 do in a relatively short span of time to get 150 more detention
5 officers?

6 A. It would certainly be difficult in a short period of time;
7 but I think the recruitment and retention plan offers some good
8 suggestions, both short, medium, and long term. Things that
9 we've discussed in the past: step plan, career ladder,
10 stipends for uniforms. At the time of the site visit, the
11 direct deposit and bimonthly -- biweekly pay had not been
12 implemented. I don't know if it has by now.

13 I think a market analysis would be good and not just
14 looking at nearby correctional facilities or the state
15 correctional system but to look in Jackson and Hinds County as
16 to who's competing for the labor market and what they're
17 offering.

18 MR. SHELSON: May I approach the witness, Your Honor?

19 THE COURT: You may.

20 MR. SHELSON: I'm going to show her Exhibit D-48.

21 THE COURT: D-48, is that an exhibit that was in
22 the --

23 MR. SHELSON: Let me clarify that, Your Honor.

24 That's what we've premarked it as for this round. It's not
25 admitted into evidence at this time.

1 THE COURT: Okay. All right. And has the government
2 seen it?

3 MR. SHELSON: We've produced all our --

4 THE COURT: Okay. That's fine. As long as y'all --

5 MR. CHENG: Is this the March 30th memo?

6 MR. SHELSON: Yeah.

7 MR. CHENG: Yes, we've seen it.

8 THE COURT: Okay. All right.

9 BY MR. SHELSON:

10 Q. Have you seen the memorandum you've just been handed
11 before today?

12 A. No, not before today.

13 Q. Do you know if this is one of the documents that was
14 produced to you in connection with this last site visit?

15 A. Not that I know of. I might have missed it. I know we
16 have not received most of the documents from human resources
17 that we requested, so --

18 Q. Is this a document from the Hinds County Sheriff's Office?

19 A. Yes.

20 Q. Is it date of March 30th, 2022?

21 A. Yes.

22 Q. Does it say, Effective April 1st, 2022, direct deposit
23 will be open to all employees of the Hinds County Sheriff's
24 Department?

25 A. Yes, it does.

1 Q. Do you have any information that that did not, in fact,
2 occur as of April 1st, 2022?

3 A. Nothing as solid as this. I did ask about it during the
4 site visit and was told that it hadn't been quite completed
5 yet. But this would suggest that it has been.

6 Q. And I think we can all agree that the salaries for
7 detention officers have been increased?

8 A. Yes.

9 Q. So we have -- we've had salary increases, and it's the
10 county's position that direct deposit is in place; is that
11 correct?

12 A. This memo would suggest that.

13 Q. And despite that, the staffing numbers have gone down?

14 A. Yes.

15 Q. And with respect to the retention side of it, did you
16 receive any documents from the county, in its most recent
17 document production to the monitors, regarding detention
18 officers who were terminated for cause?

19 A. Yes. We received the IAD -- the Internal Affairs report,
20 some of which involved detention officers that have been
21 terminated.

22 Q. So the period of time that encompasses the monitors' most
23 recent site visit, how many detention officers were terminated
24 for cause?

25 A. I don't know the number. Now, I'm not going to guess.

1 Q. That's fine. But you have seen documents that indicate
2 that some number of detention officers were terminated for
3 cause?

4 A. Yes.

5 Q. And you believe that the county should not terminate
6 detention officers when they have cause just to keep the
7 numbers -- the staffing numbers up?

8 A. I think, if I got the negatives right -- I don't believe
9 that they should hold off termination just to keep staffing
10 numbers up. I didn't evaluate whether some lesser form of
11 discipline might have been appropriate in those cases. I did
12 not look at that.

13 Q. That's fine. And so without having to make that kind of
14 judgment, if the county is terminating officers for cause, that
15 will impact the retention numbers, correct?

16 A. That's correct.

17 Q. And if the county is legitimately terminating officers for
18 cause, that's not good for the retention number, but it's
19 something that the county should be doing, correct?

20 A. That's correct.

21 MR. SHELSON: Your Honor, may I have a moment to
22 confer?

23 THE COURT: You may.

24 (Off-the-record discussion between defense counsel.)

25 MR. SHELSON: Thank you, Your Honor. I tender the

1 witness.

2 THE COURT: All right.

3 **REDIRECT EXAMINATION**

4 BY MR. CHENG:

5 Q. Ms. Simpson, have you ever made yourself available to be
6 prepared for these hearings by defense counsel?

7 A. Yes.

8 Q. And could you describe how you made yourself available?

9 A. Well, last -- during the January site visit and the
10 following trial, I sent a number of emails letting counsel know
11 that -- both defense and plaintiff's counsel, that I was
12 available to confer with either side. And, of course, we do
13 the exit conferences at the end of a site visit to also share
14 whatever information we have.

15 Q. Did defense counsel take advantage of this opportunity to
16 talk to you before this hearing?

17 A. No. I'm not sure I specifically reached out before this
18 hearing. When I did before the February hearing, I got no
19 response. I did actually suggest to defense counsel that
20 during the site visit we meet over lunch or something to just
21 talk generally, get to know each other a little bit more since
22 they were new to the case, but --

23 MR. HALL: Objection, Your Honor. Again, just for
24 specificity, can she advise -- we have a bunch of lawyers, so
25 who did she ask out to lunch?

1 THE WITNESS: I asked Mr. Morisani. And I don't know
2 if there were others on the email or not.

3 MR. HALL: Thank you, Your Honor.

4 THE COURT: All right.

5 BY MR. CHENG:

6 Q. And you were saying about the luncheon. What happened
7 then?

8 A. Well, the site visit got aborted. I never heard back
9 anyway, but the site visit got aborted.

10 Q. And do you ever communicate directly with defense counsel
11 about documents or trying to get cooperation with the
12 inspections?

13 A. Yes. Typically via email, but yes, lots of communication.

14 Q. And you mentioned something about documents from human
15 resources. What was the situation with those documents?

16 A. Well, Mr. Parrish usually reviews those; but one of the
17 requests that we make is sort of the current staffing levels,
18 people that have been promoted and their backgrounds, new hires
19 and their backgrounds. And we got some of the human resources
20 documents but not all.

21 Q. And when we talk about this March memo --

22 A. Yes.

23 Q. -- during your site inspection did you ask specifically
24 about direct deposit after March?

25 A. We asked about the direct deposit and biweekly pay in our

1 interviews. I don't think we had a specific document request
2 related to that.

3 Q. And what did they tell you about the direct deposit?

4 A. I believe that Mr. Shaw and I think Mr. Gaylor both told
5 me that they hadn't been finalized and -- but that it was
6 expected soon, that they were approved but not fully
7 implemented. But I think we lumped them together, and so maybe
8 one was implemented and one wasn't. I don't know.

9 Q. And did the defense counsel ever provide additional
10 records, including, like, this memo to you before this hearing?

11 A. Not that I recall seeing.

12 Q. How would you describe the level of cooperation with your
13 compliance visits since the defendants took office in November?

14 MR. HALL: Objection, Your Honor. Outside the scope
15 of our cross-examination.

16 THE COURT: Objection overruled.

17 A. We've had a great deal of difficulty getting documents and
18 getting them in time and sort of having the level of open
19 communication that we've had in the past. But to me the
20 documents have been most trying.

21 BY MR. CHENG:

22 Q. So let's talk a little bit about the COVID. There was a
23 discussion about the intro meeting?

24 A. About what?

25 Q. The introduction meeting --

1 A. Oh. Yes.

2 Q. -- with everybody at the beginning of the tour.

3 A. Yes.

4 Q. Did Mr. Parrish or you talk about Mr. Parrish's COVID
5 symptoms at that time?

6 A. Mr. Parrish was experiencing some symptoms. He was hoarse
7 and coughing, and he shared that he was experiencing those
8 symptoms but that he had tested negative for COVID.

9 Q. And who was present, again, at that meeting?

10 A. All the people I previously mentioned: Mr. Morisani,
11 Mr. Shaw, Chief Simon, Captain Caston, I believe Captain
12 McBride, the sheriff. The sheriff might have joined us on the
13 tour. I think maybe he wasn't at the meeting.

14 Q. And did any of them tell you they had any special
15 protocols they wanted to adopt because somebody had symptoms?

16 A. No.

17 Q. And after Mr. Parrish developed COVID, was there any
18 discussion with the defense about what the protocol should be
19 about continuing the tour?

20 A. No -- well, not initially. We arrived at RDC, and we were
21 told we would not have access to the facility. And then there
22 was some discussion about whether we would continue that week
23 remotely, actually from here but not in person. And it was
24 decided not to go that route.

25 Q. And just to be clear, who canceled the tour, was it you

1 who canceled the tour that day?

2 A. No. No. We arrived to do the tour and were told that we
3 would not have access.

4 Q. Was there any discussion about security blocking the door?

5 A. I believe that that was told, that we would not be allowed
6 entrance.

7 Q. And do you know who it was? Was it county counsel for the
8 board or the sheriff's counsel or the sheriff? Do you know who
9 made that decision?

10 A. I believe we were told it had been made by the sheriff.

11 Q. And did anyone consult with the court before denying you
12 access?

13 A. Not that I know of.

14 Q. There was some discussion about how the county -- whether
15 or not they controlled the arrests. You heard -- they asked
16 you about that, do you recall?

17 A. Yes.

18 Q. At least under the old consent decree, the county had some
19 input into that process through the criminal justice
20 coordinating committee, right?

21 A. Yes.

22 MR. SHELSON: Objection, relevance.

23 THE COURT: Objection sustained.

24 BY MR. CHENG:

25 Q. So there's also some discussion about what they can do in

1 a short time to improve their staffing?

2 A. Yes.

3 Q. Some of these things that you talked about, like the
4 retention plan, how long has that actually been under
5 discussion?

6 A. Well, the -- some of the ideas are in the settlement
7 agreement itself so they've been around from the beginning.
8 And I believe some of them were then incorporated in the
9 stipulated order, which goes back to January 2020; and then the
10 recruitment and retention plan was provided by -- well, the
11 consultant worked with a former jail administrator and produced
12 a final document, I believe in December 2022.

13 Q. So, for example, like, a career ladder. Has that been
14 implemented?

15 A. No.

16 Q. How about step pay?

17 A. No.

18 Q. And were those also in the retention plan?

19 A. Yes, I believe so.

20 Q. There was also some discussion about how they've had to
21 terminate employees for cause.

22 A. Yes.

23 Q. When they terminate these employees, whose employees are
24 they?

25 A. The -- well, they're in the sheriff's department. They're

1 employees of the county, I believe.

2 Q. So who hires these people?

3 A. They go through the county or the sheriff's HR, human
4 resources, process. The sheriff hires them.

5 MR. CHENG: That's it. Thank you, Your Honor.

6 Thank you, Ms. Simpson.

7 THE COURT: The court has a few questions, and I'll
8 give the government the opportunity to follow up in the end,
9 the -- Hinds County and the sheriff afterward.

10 Now, Ms. Simpson, I just want to make sure: I know in the
11 past when you were undertaking your monitoring activities, I
12 guess prior to the last hearing, as a standard practice you
13 would reach out to the county -- let me ask you if this is
14 true -- if this is part of the way you did -- reach out to the
15 county as you prepare to do your next visit, requesting certain
16 documents?

17 THE WITNESS: That's correct.

18 THE COURT: Okay. And what documents -- I know it
19 was a whole list of them, but what type of documents did you
20 request? This is back before February of 2022.

21 THE WITNESS: Oh, before February. Okay.

22 Well, we would receive some documents on a monthly basis
23 and -- so, for example, the incident report narratives, it's
24 not something we would need to request specific for a site
25 visit because we got it routinely as a monthly report. And

1 other things came in routinely as monthly reports: the
2 quality assurance report, the classification and records
3 summary report, the benchmark reports. So a number of reports
4 we received routinely on a monthly basis.

5 THE COURT: And then those reports -- again, I'm
6 talking about January, February of '22 -- that would have been
7 information that ultimately the court would receive through
8 the -- by way of the April 16th, I believe, '22, monitoring
9 report?

10 THE WITNESS: Monitoring report, right.

11 THE COURT: Okay.

12 THE WITNESS: And then there are documents we request
13 specifically for the site visit, and I can run through some of
14 those if you want.

15 THE COURT: Tell me about those documents.

16 THE WITNESS: So I usually request a month of
17 grievances and their responses, two weeks of program requests
18 and their responses, the classification form for everybody
19 classified usually in a two-week period. And depending on
20 whether we're doing the site visit in person or remotely, I
21 will request the face sheets that go in the file, the inmate
22 record files. And then we request the IAD reports. We'd like
23 to get those on a monthly basis but that's been difficult.

24 We request the human resources documents, the segregation
25 logs, the visitation logs, recreation logs, the -- oh, this

1 time I requested orders related to fines and fees so I could
2 drill down on that issue a little more. The CID reports,
3 that's -- usually we get those on a monthly basis. The
4 population reports, the post assignment sheets.

5 Those are the ones that come to mind.

6 THE COURT: Okay. Do you recall what, if any,
7 documents you received prior to your visit in May, the visit
8 that was cut off, what documents -- well, first of all, had you
9 reached out to the county for any documents?

10 THE WITNESS: Yes. I believe actually my document
11 request went out May 4th, requesting that the documents be
12 provided by May 23rd and reminding them that we were wanting
13 the monthly documents in addition to the ones that we were
14 requesting specifically for the site visit. So yes, that went
15 out to the county.

16 THE COURT: Did you receive those documents in
17 advance of your -- in advance of your arriving in May?

18 THE WITNESS: Most of them we did not.

19 THE COURT: Okay. Tell me what is the importance of
20 having those documents with respect to your being able to do
21 what you've been tasked to do?

22 THE WITNESS: Well, in some instances I can't do a
23 productive interview if I don't have the documents. So, for
24 example, to be able to talk with classification about the
25 timeliness of classification or the accuracy of the

1 classification forms, I can't do that without having those
2 documents. Similarly with the grievances, if I don't have the
3 grievances and their response, I can't go through those with
4 the grievance officer.

5 And Mr. Parrish would have a similar difficulty. He can't
6 evaluate whether recreation is being provided unless he has the
7 rec logs, and similarly the visitation logs, and the
8 post-assignment sheets to know how many officers are present on
9 the units.

10 So both in terms of having the interviews be effective but
11 also to be able to report on these issues in the report, it's
12 very difficult without the documents.

13 THE COURT: Okay. So in May when you -- when the
14 visitation was cut off because of Mr. Parrish's COVID
15 finding -- positive finding, was there an attempt to do any --
16 I think there was an attempt to do the rest of it remotely.

17 THE WITNESS: There was. I sent a number of emails.
18 Once we knew we couldn't go into the facility on Wednesday, I
19 sent a number of emails asking if I could pick up the documents
20 so that I could at least be reviewing the documents, and then
21 Department of Justice offered to set up a platform so that we
22 could do the interviews as scheduled during that week as
23 opposed to setting them up in a later time.

24 THE COURT: Did you ever get all the documents you
25 requested?

1 THE WITNESS: No. Not at that time, and we still
2 haven't.

3 THE COURT: On the monthly -- was there a time during
4 the month you had been receiving the documents, the monthly
5 documents, for example?

6 THE WITNESS: Right. The monthly documents usually
7 came in the first week of the following month. So we would
8 normally have had July's documents about two -- I'm sorry,
9 June's documents about two weeks ago.

10 THE COURT: Okay. Have you received them?

11 THE WITNESS: No.

12 THE COURT: Have you received all the documents from
13 May?

14 THE WITNESS: May were fairly good on the monthlies.
15 We have not received all of the documents for April, in the
16 April monthly. And May we're missing some of the monthlies,
17 but we're better for May than April.

18 THE COURT: Have you asked them -- do you know if
19 there was any conversation with anyone with the county or with
20 the sheriff's department that would be -- and when I say
21 "anyone," I'm talking about those persons with whom you've been
22 dealing with in the past or either counsel, about the specific
23 documents that you needed?

24 THE WITNESS: During some of the interviews, I asked
25 the staff member whether they had been requested to provide the

1 documents. In some instances they said no, they hadn't been
2 requested. And then most recently they said -- this was with
3 respect to the orders on fines and fees -- that they had
4 provided -- well, the records supervisor said she had provided
5 those documents to the lieutenant, but we still have not
6 received those. And there's been a number of communications
7 with counsel about the documents that we're still missing.

8 THE COURT: Today is July 19th. So in about
9 two weeks, if there were monthly documents that had been
10 requested, in two weeks you would expect to have received the
11 July documents, I presume.

12 THE WITNESS: That's correct.

13 THE COURT: Counsel asked you about any sort of
14 contact or conversation that you might have had with
15 Mr. Mullins.

16 THE WITNESS: Yes.

17 THE COURT: Do you know how many defendants -- how
18 many plaintiffs he's represented based on -- well, do you know
19 if he's represented any current or former inmates in the
20 detention center?

21 THE WITNESS: I think during the phone call he
22 mentioned that he was representing the family of the detainee
23 that was assaulted and killed, and then I believe he mentioned
24 one other detainee that had been assaulted and severely
25 injured. But I think those are the only two detainees he

1 mentioned.

2 THE COURT: Do you know if he filed a lawsuit against
3 the county on behalf of that individual, the individual's
4 family?

5 THE WITNESS: No, I don't. He hadn't at the time I
6 spoke with him.

7 THE COURT: Okay. And if he did file a lawsuit, it
8 would be a matter of public record, right?

9 THE WITNESS: Yes.

10 THE COURT: And, in fact, I do believe the court has
11 even cited to some of those lawsuits in its prior opinions,
12 correct?

13 THE WITNESS: I think that's correct, yes.

14 THE COURT: And speaking of staffing, there's been a
15 number of questions -- or been a lot of talk about staffing.
16 In any of your meetings with the county since our last hearing
17 back in -- well, during your visit -- during your May site
18 visit, has the county indicated to you how, if any -- how it
19 might ameliorate the staffing issues that they currently have?
20 I think everybody agrees that there are staffing problems.

21 THE WITNESS: Yes, I think so.

22 Well, we've talked about the things that have been
23 mentioned today: you know, the bimonthly -- or biweekly
24 payroll, the direct deposit, the raise, and then things that
25 haven't been done, the step plan, the career plan. So we talk

1 about those to determine what the status of those initiatives
2 are.

3 THE COURT: Going back to the reaching out, if any,
4 or contact with Mr. Mullins as a part of -- well, contact with
5 Mr. Mullins, is the monitor limited in any way where you can
6 find or obtain information that you believe might be necessary
7 to do your job in this case?

8 THE WITNESS: We are not limited in that regard. And
9 we have in the past reached out to the public defender, to the
10 district attorney, the Southern Poverty Law Center, family
11 members. We receive unsolicited information at times as well.
12 So we're not limited in our information-gathering tasks.

13 THE COURT: Do you receive or obtain any information
14 through the press, through the media?

15 THE WITNESS: Yes. Mr. Parrish and I both subscribe
16 to the *Clarion-Ledger*, and we receive information that way.

17 THE COURT: And as a part of -- as a part of what you
18 do in keeping the court informed, sometimes the court will
19 direct you to certain information. Is that a fair statement?

20 THE WITNESS: Yes. That's correct.

21 THE COURT: I have no further questions. The county
22 and the -- the sheriff and the county may follow up based on
23 what I've asked. I'm sorry. The United States may follow up
24 based on what I've asked, and then the other two.

25 MR. CHENG: No follow up, Your Honor.

1 THE COURT: All right.

2 MR. HALL: Nothing from the sheriff's department.

3 May I approach Ms. Summers with the --

4 THE COURT: Is that D-48?

5 (Off-the-record discussion between defense counsel.)

6 MR. HALL: No further questions from the sheriff's
7 department.

8 THE COURT: Okay. You may step down, Ms. Simpson.

9 THE WITNESS: Thank you.

10 THE COURT: Is there a next witness for the
11 government?

12 MR. DONNELLY: There is, Your Honor. And I believe
13 Mr. Cheng is going to handle that witness.

14 We have a request, and it's my fault for not objecting
15 sooner. When Mr. Shelson walked up, I thought it was going to
16 be brief, so it wasn't worth it.

17 But defendants are operating in a joint capacity and have
18 submitted a joint witness list and a joint exhibit list, 61
19 exhibits. They're sitting at the same table. They're
20 obviously invoking a sort of joint defense privilege. And so
21 we'd request that they have a single defense counsel question
22 the witness.

23 THE COURT: I'll hear from you, Mr. Shelson.

24 MR. SHELSON: May I proceed, Your Honor?

25 THE COURT: You may.

1 MR. SHELSON: May I have the Elmo, please.

2 Your Honor, this is the complaint in this action. There's
3 actually three defendants: Hinds County, Hinds County Board of
4 Supervisors, and the sheriff. We agree that the Hinds County
5 and board are one. The sheriff, in his official capacity, is a
6 separate entity. That's reflected in the parties as well,
7 paragraph 7, three parties. I could show the court every time
8 defendants is in this complaint, it's plural. It's never
9 singular. There are three defendants here. Two, we agree,
10 should be treated as one. The third is separate.

11 It doesn't matter what, frankly, the United States thinks
12 is a joint capacity or not. They, in fact, sued three
13 entities. And Hinds County/Hinds County Board of Supervisors
14 should be treated as one. The sheriff in his official capacity
15 should be treated as a second defendant. Both defendants
16 should have an opportunity to examine witnesses.

17 Your Honor, legally this matter is controlled by Federal
18 Rule of Evidence 611. Granted, the court has considerable
19 discretion under Rule of Evidence 611 to control the mode and
20 order of examination. But the factors are, one, make those
21 procedures effective for determining the truth; two, avoid
22 wasting time; and, three, protect witnesses from harassment or
23 undue embarrassment.

24 I'll submit, Your Honor, that for determining the truth,
25 it's advantageous to allow both defendants to question the

1 witnesses, avoid wasting time -- I think the record would
2 reflect that I was not repetitive of what Mr. Hall asked
3 Ms. Simpson -- and protect the witnesses from harassment or
4 undue embarrassment. I don't think I asked any harassing
5 questions or any that caused undue embarrassment to
6 Ms. Simpson.

7 For all those reasons, Your Honor, and particularly since
8 the United States sued three separate defendants, we think that
9 the county/board of supervisors on the one hand, the sheriff in
10 his official capacity on the other, should each be permitted to
11 examine witnesses.

12 THE COURT: If there's any finding against the
13 sheriff in his individual capacity -- excuse me, in his
14 official capacity, I guess if there's a judgment, then -- a
15 monetary judgment, if there were, the county would be
16 responsible for paying that for the sheriff, correct?

17 MR. SHELSON: I haven't considered that, Your Honor,
18 but that's possible. But it's still -- it's still -- I think
19 that's a separate issue from the mode of examination of
20 witnesses. And if there were such a finding, that reinforces
21 the point because, again, that's a separate entity; and it
22 shows the entity distinction that we're talking about.

23 THE COURT: Yeah. The county would be responsible,
24 though, right? The county. If there's any judgment against
25 the sheriff, the county's -- yeah. I mean, I guess in its

1 injunctive capacity sort of thing, being yeah, you can enjoin
2 the sheriff. But there is no physical -- no entity called the
3 Hinds County Jail or the Hinds County Sheriff's Department,
4 right?

5 MR. SHELSON: It --

6 THE COURT: I tell you what. Let's not go down that
7 path.

8 MR. SHELSON: Yes, sir. It is --

9 THE COURT: Let's not go down that path. We're going
10 to allow you to do your --

11 MR. SHELSON: Thank you, Your Honor.

12 THE COURT: -- examination, but I will -- I don't
13 want anybody to be repetitive and to get two bites out of one
14 issue.

15 MR. SHELSON: Yes, sir.

16 THE COURT: All right. You may call your next
17 witness.

18 MR. CHENG: Your Honor, we call -- the United States
19 calls David Parrish.

20 **DAVID PARRISH**

21 was thereupon called as a witness and, having first been
22 duly sworn, testified as follows:

23 THE COURT: Mr. Parrish, you've been in the courtroom
24 all this time and before, so you know how this is done.

25 Mr. Cheng, you may begin whenever.

DIRECT EXAMINATION

BY MR. CHENG:

Q. Mr. Parrish, there's been some discussion today about the defendants' efforts to mitigate the conditions in A-Pod. Besides the physical plant conditions in A-Pod, have they mitigated the staffing problems in A-Pod?

A. The staffing problems in A-Pod are much the same as they've been for a long time. They're not -- the staffing level is not getting better. It's getting worse.

Q. And you've heard Ms. Simpson testify earlier about the staffing numbers. Do you agree with her about the staffing figures?

A. Yes, sir.

Q. And across the jail, is there a staffing supervision problem across the other housing units as well?

A. Yes, sir. It's not unique to Alpha. If one -- well, based on my firsthand observation back on May 31st and also a review of a few post-assignment sheets that were attached to IAD reports, it's apparent that it's very consistent throughout that there's generally one officer in the control room and one officer taking care of the four housing units and the iso units in each of the three pods.

Q. So two officers per pod?

A. Correct.

Q. In terms of, like, a concrete impact, what does that

1 impact in terms of the officers' ability to supervise inmates?

2 A. Well, if we go back to October of 2020 when Charlie
3 reopened after being renovated for the second time, the
4 commitment from the county -- from the sheriff's office was
5 that it would operate under the principles of direct
6 supervision, that there would be one officer inside each of the
7 four or each of the three direct supervision housing units and
8 that there would be two officers assigned to the fourth one,
9 which is a confinement area, lockdown, in addition to the
10 control room and having somebody as an escort officer on the
11 floor.

12 Unfortunately, it's never been possible to staff Charlie
13 at that level. It was done intermittently, and then over time
14 it's dropped off. And we have the same issue in Bravo, now
15 that it's reopened; and we've always had the same issue in
16 Alpha. So there's no officer there to observe things
17 firsthand, prevent problems from escalating. It means that
18 officers are basically responsive to things, responding to
19 fights that break out or assaults or that sort of thing.

20 Q. So have there been escapes or assaults in the jail?

21 A. The Raymond Detention Center is kind of unique in my
22 experience. I've never seen a jail where inmates break out but
23 not to escape to freedom. They break out to bring contraband
24 back in. That still happens in Alpha Pod where the inmates
25 have the most ready access to the roof and the ceiling. There

1 are -- so that still goes on and that adds to the contraband
2 problem. Then as far as assaults and things within the
3 facilities, they routinely happen in each of the three pods.

4 Q. And I know we've probably heard this before; but even if
5 they don't want to spend money in the physical plant to fix the
6 physical plant at A-Pod, does that justify not dealing with
7 staffing and supervision as a separate remedy?

8 A. Well, when I first came here back in 2014, I was told from
9 the then-sheriff that what we needed was a new jail and that
10 would take care of things. And I've heard that routinely
11 through each administration over the years.

12 That's not the solution. You have to be able to manage
13 what you have, and that means it has to be adequately staffed.
14 Otherwise, the county is going to spend a lot of money building
15 a brand new facility that's not going to be adequately staffed,
16 that's going to be torn apart just like Alpha and face the same
17 kinds of problems that Bravo and Charlie face right now.

18 Q. So has the lack of supervision affected their ability to
19 do things like welfare checks?

20 A. Yes. They're not done. I get documents that say that
21 they are; but they also get notes on the bottom written by the
22 officer, Unable to conduct timely because I was standing two
23 posts, or I was called off to booking, or something like that.
24 And then my firsthand observation on May 31st was looking at
25 suicide watch areas, where there had been no records kept for

1 hours or where there was nobody present. Those are inmates who
2 are supposed to be under constant supervision, just like us
3 looking at each other, but making a 15-minute notation.

4 MR. MORISANI: Your Honor, I object. It's not clear
5 whether he's talking about A-Pod or other pods throughout the
6 facility.

7 THE COURT: Clarify if you will, Mr. Parrish.

8 BY MR. CHENG:

9 Q. Yes, Mr. Parrish, when you talk about the lack of welfare
10 checks, are we just talking about A-Pod or are we talking about
11 the whole jail?

12 A. No, that's true of the entire jail. Alpha Pod doesn't
13 have a lockdown area like Bravo and Charlie, but they're still
14 required to do hourly well-being checks. I don't know whether
15 they're being done because we haven't gotten any of those
16 records for this one.

17 Q. Because Mr. Morisani did bring it up, let me introduce an
18 exhibit. If we could turn to U.S. Exhibit 159, if you could
19 take a look at it, Mr. Parrish. Do you recognize Plaintiff's
20 Exhibit 159?

21 A. Yes, sir. It's a segregation well-being check form.

22 Q. And you actually collect a number of these observation
23 check logs when you're doing your review?

24 A. Well, when I go on-site and can see them firsthand, I look
25 at some there; but these are also documents that we request

1 that are sent to us electronically.

2 Q. And these logs that you get, do they show short staffing
3 only in A-Pod or do they show it elsewhere too?

4 THE COURT: Hold on. Is there an objection?

5 MR. MORISANI: Your Honor, I'm going to object. This
6 document is objectionable for several reasons, one of which is
7 that it's not limited to A-Pod.

8 THE COURT: Objection overruled.

9 A. I'm sorry. Could you restate it for me?

10 BY MR. CHENG:

11 Q. Yes. So when you look at these observation logs, are the
12 short staffing issues only in A-Pod or are you seeing them in
13 other logs as well for other pods?

14 A. No, they reflect the problem throughout.

15 MR. CHENG: Your Honor, we move for the admission of
16 Plaintiff's Exhibit 159.

17 THE COURT: Any objection?

18 MR. MORISANI: Yes, sir, Your Honor. The document is
19 not what it purports to be in the sense that it purports to be
20 a document for a certain date range. I think it's May 18th to
21 the 30th. And it goes well beyond that, after the site visit
22 in early June, in addition to the fact that it's not limited to
23 A-Pod.

24 THE COURT: Are these documents that are received
25 from the county?

1 MR. MORISANI: Yes, sir, I believe so. But again,
2 it's not what it purports to be. The exhibits list it as a
3 document from the date range of May 18th to the 30th, I
4 believe; but it goes way past May 30th into June, the document
5 does. And it's not limited to A-Pod, Your Honor.

6 THE COURT: I'm going to overrule the objection.
7 P-159 will be received into evidence.

8 (Exhibit P-159 admitted.)

9 THE COURT: One of your objections was it goes into
10 June. I'm only scanning through it. It looks like all the
11 dates are May.

12 MR. MORISANI: I'm incorrect about that. It goes
13 prior to May 18th. It has, like, May 6th, May 5th, dates like
14 that. And then it does go to May 31st, which is outside the
15 range as well. I apologize.

16 THE COURT: All right. Again, objection overruled.

17 THE WITNESS: Your Honor, excuse me. There's a
18 document that I think somebody left behind here. I don't know
19 whether it's something --

20 THE COURT: Yes. That's D-48, I think.

21 BY MR. CHENG:

22 Q. So we've talked a little bit about direct supervision and
23 staffing as a way to mitigate conditions in A-Pod. Do you
24 recall the sheriff talking about turning things around through
25 his leadership or improving staff morale sometime in February?

1 A. I can remember him addressing that here but also during
2 our site visit, which we did one day on-site but then remotely.
3 And he spoke during the exit briefing; and he made that
4 comment, that morale has improved since -- under his
5 administration.

6 Q. And so how is that process working in terms of mitigating
7 the conditions in A-Pod?

8 A. That's not a measurable -- I'm not quite sure how to
9 answer that one.

10 Q. Well, do you see any indications that morale or
11 supervision have improved in terms of the staff?

12 A. I can't get a measurement for that from conversations with
13 people who are walking around. I can just look at what is done
14 or not done or look at the records. I saw a case of an officer
15 who walked off the job from master control and left all the
16 doors standing open, with vehicles waiting in line. That's not
17 an indication of good morale. That's somebody that I'm glad to
18 see the sheriff's office parted ways with.

19 MR. HALL: Your Honor --

20 A. That was the right decision.

21 MR. HALL: -- again just for specificity, what time
22 period is Mr. Parrish testifying about?

23 THE COURT: Would you clarify, Mr. Parrish?

24 THE WITNESS: When did that occur? I think it was in
25 April.

1 BY MR. CHENG:

2 Q. And this was the officer in master control?

3 A. Yes, sir.

4 Q. What is the difference between master control and the
5 other control rooms?

6 A. Well, master control is the main control room for the
7 entire jail at the RDC, and it's located right in the booking
8 area. And then each of the three housing pods has its own
9 control room, but the pod control rooms only take care of that
10 particular pod. Master control has cameras that allow it to
11 look at everywhere throughout the jail and to allow access and
12 egress from the facility.

13 Q. How many officers are supposed to be in master control?

14 A. Two.

15 Q. Were there two officers in master control?

16 A. From that record it appeared that there was only one.

17 Q. And so when the officer walks off of master control, does
18 that impact the security of just A-Pod or does it affect other
19 parts of the jail too?

20 A. That affected the entire jail.

21 Q. And when they walked off, can you describe a little bit
22 about exactly how that panned out in terms of, like, from the
23 beginning to when the person walked away? What happened?

24 A. The report that I looked at was very brief. It didn't
25 provide much access -- much information except for the fact

1 that when questioned the officer said that that officer was
2 tired of having to worry about opening and closing doors.

3 Q. And so when they walked off, what happened to the doors?
4 Who's controlling doors?

5 A. Well, I can't say. I wasn't there. But if there was no
6 control, they needed to -- they had to assign another officer
7 immediately to take charge of master control.

8 Q. That master control room, is there, like, a security
9 vestibule leading to the master control room?

10 A. No. There's a single door.

11 Q. So when we've talked about, like, mitigating the dangers
12 in A-Pod, are security vestibules for control rooms an issue
13 that has come up in the past as well?

14 A. Oh, yes.

15 Q. Again, why does having security vestibules affect the
16 security in the housing units?

17 MR. MORISANI: Objection, Your Honor. Again, this is
18 not specific to A-Pod.

19 THE COURT: Objection overruled.

20 A. In a jail the normal standard is to have a safety
21 vestibule going into any control room and into any housing
22 area. That's two doors. You open the first door and go inside
23 the safety vestibule. The door shuts, then the next door
24 opens, and you can go through. And then that door closes.
25 That way the inmates can't rush and charge out. That's where

1 the term "safety vestibule" comes from.

2 For some reason or another, they were not installed, when
3 the Raymond Detention Center was built, in any of the control
4 rooms, whether it be master control or the pod controls. And
5 so certainly that was one of the things that jumped out right
6 from the very beginning, and it's been a matter that's been
7 under consideration and has been included in such things as the
8 master planning list of issues to be addressed.

9 BY MR. CHENG:

10 Q. So I think there's some suggestion that the rest of the
11 jail, B and C, are more secure compared to A and that they're
12 ready to go. Do you agree with that assessment that the rest
13 of the jail is secure enough to move the inmates from A to the
14 rest of the jail?

15 A. Well, they're in better shape than Alpha, absolutely.
16 They've had the doors, locks retrofitted. They're in far
17 better shape than when we started this process. But even with
18 that, we still have instances of inmates getting out of their
19 housing units out through the corridor and out to the great
20 hall. That should be --

21 Q. To clarify, are we talking about outside of A-Pod they're
22 getting out of their housing units into the great hall?

23 A. It would be Alpha, Bravo, Charlie. I've seen it occur at
24 all three. But the other issue is that even after things are
25 repaired, it's necessary that they be utilized properly, which

1 means that doors need to be secured. And all too often I find
2 doors that are standing ajar leading in and out of housing
3 units.

4 Q. And is that outside of A-Pod as well?

5 A. That's correct.

6 Q. And if they don't have enough staff in the three housing
7 units and they move the inmates to B and C, have they been able
8 to breach -- have inmates been able to breach the security
9 vestibules or doors in B and C?

10 A. Yes.

11 Q. There was also some discussion about using Rankin in order
12 to mitigate, having inmates move to Rankin County?

13 A. Yes, sir.

14 Q. Do you remember that? Has the sheriff also used Rankin
15 officers to help deal with staffing issues at the jail here?

16 A. Not necessarily for staffing issues, but they've been
17 called upon on two occasions within the past year to conduct
18 shakedowns at the Raymond Detention Center.

19 Q. Was there any delay in getting the records for the
20 shakedown information when Rankin was brought into the jail?

21 A. Any delay in getting that information?

22 Q. Yes.

23 A. The more detailed information finally came through with
24 the IAD reports, so I didn't see that as -- I mean, it came
25 with the rest of them. I didn't see that as separate.

1 Q. So did you have a chance to review the shakedown
2 information when Rankin officers were used to deal with Hinds
3 County inmates?

4 A. Yes.

5 Q. And did you form any opinion about the conduct of the
6 Rankin officers when dealing with Hinds County inmates?

7 MR. HALL: Objection, Your Honor. Outside the scope
8 of this hearing.

9 THE COURT: Objection overruled.

10 A. They did not follow Hinds County use of force policy.
11 They deployed bean bag shotguns when they went into Alpha and
12 Charlie pods and hit approximately seven inmates because they
13 didn't respond to their verbal commands to do certain things.

14 BY MR. CHENG:

15 Q. So then did the sheriff's department in Hinds County
16 investigate the use of force?

17 A. No. They indicated that no Hinds County officers were
18 involved and that the information from the incident would be
19 passed to Rankin County for them to dispose of as they saw fit.

20 Q. If we could go through -- let's see. It might be
21 Plaintiff's 160 through 167. And we're going to have to go
22 through them a little more slowly. Do you recognize, first,
23 Plaintiff's Exhibit 160?

24 A. It jumped from the first page, which looked like a report
25 on the shakedown, rapid notification, and then went over to --

1 okay -- a list of contraband items.

2 Q. The book next to you has it in paper form, if you want to
3 look at it a little more slowly.

4 A. Yes, sir. I'm familiar with this.

5 Q. So do you recognize Plaintiff's Exhibit 160?

6 A. Yes.

7 Q. And what is that?

8 A. Well, it's a rapid notification report on the shakedown.

9 Q. Do you recognize Plaintiff's Exhibit 161?

10 A. Yes, sir. These are the reports that were generated by
11 Rankin County.

12 Q. What type of reports are they?

13 A. A use of force report.

14 Q. And do you recognize Plaintiff's Exhibit 162?

15 A. Yes, sir. The same thing.

16 Q. And 163?

17 A. Yes, sir, the same.

18 Q. And 164?

19 A. Yes, sir, more.

20 Q. And 165?

21 A. Yes, sir, more of the same.

22 Q. And 166?

23 A. This is an incident report that was generated to explain
24 about the shakedown and making reference to the number of
25 people that were struck and then the contraband items that were

1 found.

2 Q. And do you recognize 167?

3 A. Yes, sir. A picture of a table full of contraband.

4 Q. So have you had a chance to review these materials as well
5 when forming your opinion?

6 A. Yes.

7 Q. And having reviewed it, do you think there is actually a
8 contraband problem that remains at the jail?

9 A. Oh, yes. There has been for many years.

10 Q. And has that been reduced, as far as you can tell, by the
11 current sheriff's policies?

12 A. Well, I can't measure numbers one against the other, but
13 finding that level of contraband at one setting is kind of
14 frustrating from a jail administrator's point of view.

15 Q. Does finding contraband through a shakedown eliminate the
16 need to have enough supervision to keep the contraband out of
17 the facility?

18 A. No. Whether there's contraband there or not, the inmates,
19 the detainees need to be properly supervised. The contraband
20 issue just makes it more dangerous for everybody involved.

21 Q. And having reviewed these materials, did you have any
22 concerns about the way the sheriff's department handled the use
23 of force by Rankin County officers against their own inmates?

24 A. I'm sorry. You need to repeat that question for me.

25 Q. Yeah. Did you have any concerns about how the Hinds

1 County Sheriff's Department handled the use of force by Rankin
2 County officers against Hinds County inmates?

3 A. Well, I think the issue was, from our discussions with CID
4 and staff, that there were Hinds County supervisors present,
5 including an investigator from CID when this occurred, but they
6 were -- the Rankin County deputies were -- or officers were not
7 under the control of Hinds County staff. They kind of
8 free-steamed and did what they wanted to. They were not
9 directed by Hinds County, and that resulted -- what happened
10 was because of apparently a conflict between what may be
11 acceptable in their policy over in Rankin versus what's in
12 Hinds County's policy.

13 Q. So were Rankin County officers allowed to do anything that
14 would violate Hinds County's use of force policies?

15 A. Well, they used bean bag shotguns without going through
16 any intermediary steps, with lots of officers present, so it
17 wasn't a lack of staff. And they jumped directly from do what
18 I say, you know, put your hands out or move or come out of the
19 cell or what have you, to using a bean bag shotgun on them,
20 which is contrary to what Hinds County use of force policy
21 says.

22 Q. So would you say that the Rankin County officers used
23 inappropriate levels of force against the Hinds County inmates?

24 A. Inappropriate, yes.

25 Q. You mentioned something about the sheriff's department.

1 The sheriff's department does not investigate because the
2 Rankin County officers are held responsible by Rankin sheriff's
3 department? How does that work?

4 A. Well, I've never seen anything like this ever.

5 Q. Okay.

6 A. But on the IA information sheet regarding the case, that's
7 the notation, that there was no Hinds County officer involved
8 so -- but the information would be turned over -- on what
9 happened would be turned over to Rankin County for them to
10 dispose of as they saw fit.

11 Q. So if the sheriff's department were to move a bunch of
12 inmates to Rankin County, would you have any concerns about
13 whether the Hinds County people would take responsibility for
14 what happens to their own inmates?

15 A. If they move inmates to another jail, they're going to be
16 under the administration of the other jail. They're not going
17 to have any day-to-day control. I'm not sure if I'm answering
18 your question.

19 Q. Let me ask you this: If something bad happens to the
20 Hinds County inmates when they're at other facilities, does
21 Hinds County have a mechanism for them to deal with those sorts
22 of complaints or deal with those abuses?

23 A. I haven't seen anything like that.

24 MR. CHENG: If we could run just those clips on
25 Plaintiff's Exhibit 173.

1 BY MR. CHENG:

2 Q. And these are also from the -- straight down.

3 Do you see this video from that event. Do you know what
4 this video is?

5 A. This is one of -- it's a very poor-grade video which is
6 regarding the Rankin County shakedown.

7 Q. So when the defendants have said that they fix cameras,
8 for example, in housing units, do you consider this type of
9 quality video to be adequate?

10 A. I don't know for a fact; but I've got to assume that this
11 is Alpha Pod, where lighting conditions are not very good.

12 Q. And when you are reviewing other use of forces or other
13 investigations, were there other problems with the camera
14 quality?

15 A. Well, that's been a long-standing problem. We've heard
16 testimony in here previously of upwards of 60 cameras that were
17 under review and needed to be replaced. And they have taken
18 action on that with regard to Bravo. So Bravo now has higher
19 quality camera coverage. They're working on Charlie on a
20 case-by-case basis and the exterior cameras around the
21 facility. But to the best of my knowledge, there's no plan to
22 do anything of a retrofit with regard to cameras in Alpha
23 because the plan is to close it.

24 Q. And even if they don't fix everything in Alpha, would
25 improving the cameras in Alpha help mitigate some of the

1 dangers in Alpha?

2 A. Well, it would help staff be able to see what's going on
3 and respond accordingly.

4 Q. Would it also help them provide better oversight of staff
5 to see whether staff had done anything abusive to inmates?

6 A. Certainly.

7 MR. CHENG: If we could go to the next clip.

8 BY MR. CHENG:

9 Q. So can you describe what is going on in this video clip,
10 and do you recognize this clip?

11 A. Yes, I do. It appears approximately a dozen Rankin County
12 officers entering the housing unit, which once again appears to
13 be Alpha; but in this one there's better lighting. It's a
14 different housing unit, apparently. And there's no audio, but
15 apparently he yelled for the -- or directed the inmates to lie
16 down, and so you can see them dropping to the ground. When
17 you're looking right now at that inmate, who looks like he's
18 taking his first step on the stairs, an officer came up shortly
19 thereafter; and an inmate at the top of the stairs laid down on
20 the ground, and it appears that the officer fired up at him
21 from down at the bottom of the stairs.

22 Q. So you reviewed the use of force reports for this
23 shakedown, correct?

24 A. Yes.

25 Q. And were there justifications given by the Rankin officers

1 for why they used force?

2 A. Yes.

3 Q. Did those justifications match what you saw on this video?

4 A. Well, maybe from their perspective the inmates didn't
5 respond fast enough or do what they had directed. But like I
6 said, that's contrary to Hinds County policy.

7 Q. Why is it contrary to policy to shoot an inmate who
8 doesn't do as directed?

9 A. Well, the policy is based on good correctional practice,
10 that you have a continuum of care, if you will, or a continuum
11 of force that starts out with verbal directions and ultimately
12 ends up in something much more serious. But the idea is that
13 you do things incrementally, only responding with the highest
14 level of force when it's necessary to skip what you would
15 normally find in the continuum. In this case, I don't know, it
16 didn't appear to me that it --

17 Q. You mentioned somebody got shot. Can we roll to that
18 section? Can you try to just point that out to where that
19 happens? And are we talking about an inmate who's, like, on
20 top of the stairs to the left?

21 A. That's correct. Yeah, the inmate that just went up the
22 stairs is now lying down on the floor. There's an officer who
23 comes to the bottom of the stairs and right there appears to
24 shoot.

25 Q. That flash, was that somebody shooting? Is that your

1 view?

2 A. Yes.

3 Q. Let's see the next clip. What's going on here? Do you
4 recognize this video?

5 A. I recognize it. I'm not sure what's going on. They
6 apparently are telling the inmates to come down from up on the
7 mezzanine level by crawling down head first down the stairs.
8 Over on the other side they're having them walk. You can't
9 really tell what's being directed because we don't have audio.

10 Q. Uh-huh. So this inmate who's on the stairs, does he look
11 like he's standing up a bit?

12 A. On the right-hand side, the right stairwell?

13 Q. Yes. What happened there?

14 A. I'm not sure. They've got everybody piling up down at the
15 bottom of the stairs.

16 Q. If we could run that again. So are you aware of any
17 justification for the inmates being asked to crawl down the
18 stairs this way?

19 A. I've been in literally hundreds of jails, and I ran a huge
20 jail system for 27 years. I've never seen anything like this.

21 Q. So having reviewed these videos and looked at the use of
22 force reports, were you satisfied with the quality of the use
23 of force review in this case?

24 A. Well, I don't know what kind of relationship there is
25 between Hinds County and Rankin County with regard to the use

1 of each other's officers. I think there should be some
2 accountability for the officers who were brought in. They
3 should be under the direction and control of Hinds County
4 staff, regardless of where they come from. And there should be
5 some accountability for what these people did.

6 MR. CHENG: Your Honor, at this time I'd like to move
7 in Plaintiff's Exhibit 160 through 167 and 173.

8 THE COURT: Any objection?

9 MR. MORISANI: There is an objection to 161, Your
10 Honor. It does not involve A-Pod. It's C-Pod.

11 MR. CHENG: Can we pull up 161?

12 MR. MORISANI: The objection would be relevance, Your
13 Honor.

14 MR. CHENG: Well, the shakedown, Mr. Parrish
15 previously testified it was at A and C, I believe, Your Honor,
16 so it's the same event. The fact is it's still the same
17 officers; it's the same event.

18 THE COURT: Objection overruled. That was the only
19 objection, to 161?

20 MR. MORISANI: Yes, sir.

21 THE COURT: Those exhibits will be received into
22 evidence. I believe it was 160 through 167 and 173.

23 (Exhibits P-160 through P-167 and P-173 admitted.)

24 BY MR. CHENG:

25 Q. And, Mr. Parrish, let me go back to one preliminary

1 matter. During the most recent site visit in May, were you at
2 the introductory meeting?

3 A. Yes.

4 Q. And at that time did you say anything about your symptoms
5 to the defendants?

6 A. Yes, I did.

7 Q. And what did you tell them?

8 A. Well, I -- I've had all four Pfizer shots. I had the
9 first two and then the two boosters. I wear a mask. I tested
10 before I left, and that's negative. But by the time I got here
11 on Monday night, I was starting to get scratchy in the throat.
12 And so I told them that, that -- you know, but I've had
13 everything, and so I thought that I just had a -- like a sore
14 throat or something coming on. Passed that along.
15 Unfortunately it got me.

16 Q. So the defendants have talked about their mitigation; but
17 despite their reported efforts to mitigate, do you believe
18 there continues to be a grave and immediate threat of harm to
19 detainees in the jail?

20 A. The lack of supervision by staff has gotten progressively
21 worse over time, and the situation is severe.

22 Q. And based on what they've said that they've done to
23 mitigate, do you think they can be reliably trusted to comply
24 with the court's orders?

25 A. Well, they've made some good faith efforts to do things.

1 The staffing situation has just gotten progressively worse.
2 And the current conditions, it's -- unless something happens
3 there, it's going to continue. The problems are going to
4 continue.

5 Q. And even back in December or February, did these
6 particular defendants, these elected officials, indicate that
7 they thought they could start turning things around and could
8 start making conditions better in the jail?

9 MR. MORISANI: Your Honor, I would just object to the
10 time period in the question.

11 THE COURT: Rephrase the question, Mr. Cheng.

12 BY MR. CHENG:

13 Q. Well, let me ask: After the election, these officials
14 came in as a new board and a new sheriff, correct?

15 A. Yes.

16 Q. And when they came into office, earlier this year at the
17 trial did they indicate that they would be able to turn things
18 around?

19 MR. MORISANI: Same objection, Your Honor.

20 THE COURT: Objection overruled.

21 A. Yes. The answer is that they were doing things that would
22 be progressive. I'm going to give the sheriff credit for
23 something that he did do here. The plan for -- the step plan
24 for merit increases, for salary increases and so forth, was a
25 good one. He put that together and we heard it here. We're

1 going to do something. The problem is that it was never
2 submitted to the board of supervisors as an action plan, vote
3 this up, yes, or down, or modify it. And so it's still a
4 matter that's just under consideration.

5 So we have some things that have been done: higher
6 salary, biweekly pay plan, direct deposit. But some of the
7 other really excellent suggestions that he put into that
8 document are still in limbo, and that's what we would encourage
9 the sheriff and the county to work on jointly to address the
10 problem.

11 MR. CHENG: Thank you, Mr. Parrish.

12 THE COURT: All right. At this time, for the court
13 reporter's benefit, we're going to take a 15-minute recess.
14 And then when we return we'll figure out where we're going from
15 that point. But we're going to take a 15-minute recess.

16 You may step down, Mr. Parrish. I'll ask you not to
17 discuss with anybody your testimony, though.

18 THE WITNESS: Yes, sir.

19 (Recess from 3:45 p.m. to 4:07 p.m.)

20 THE COURT: Mr. Parrish, you may return to the stand.
21 Do you have any cross-examination of this witness?

22 MR. MORISANI: Yes, sir.

23 THE COURT: All right.

24 MR. MORISANA: May I proceed, Your Honor?

25 THE COURT: You may.

CROSS-EXAMINATION

BY MR. MORISANI:

Q. Good afternoon, Mr. Parrish.

A. Good afternoon.

Q. The last time you were at Raymond Detention Center was May 31st of 2022, correct?

A. That's correct.

Q. And I walked around with you that day; isn't that right?

A. Yes.

Q. I pretty much spent the whole day with you, didn't I?

A. A great deal of it, yes.

Q. And you'd agree with me that throughout that day, you took your mask on and off throughout the day, correct?

A. I did.

Q. And do you recall being in B-Pod control with me and we discussed the low staffing that you observed at the facility?

A. Vaguely, yes.

Q. Well, you certainly -- from your testimony, you certainly understand that the staff are doing what they have to do, correct?

A. Staff are living with the situation, yes.

Q. They're doing everything they can with what they've got, correct?

A. I have nothing bad to say about the efforts of staff.

Q. There's certainly no bad faith by the staff, correct?

1 A. Certainly no.

2 Q. The staff are certainly operating in good faith, aren't
3 they?

4 A. Yes.

5 Q. And do you recall when we were interviewing Captain
6 McBride, you made a comment that when staff do something that's
7 practical and that can benefit everybody, how can you be
8 opposed to that. Do you recall that?

9 A. When staff is doing something that's practical, how can
10 you be opposed to it?

11 Q. Your comment was that when staff do something that is
12 practical and that can benefit everybody, how can you be
13 opposed to it. Do you recall telling us that when you
14 interviewed Captain McBride?

15 A. I don't recall it exactly, but it sounds like me.

16 Q. Now, you talked a little bit about the staffing problems.
17 I think you said it was the same as it's been for a long time.
18 Do you recall that?

19 A. What I was pointing out was that it has not improved over
20 time, yes.

21 Q. And I think you said -- your words were, It's the same as
22 it's been for a long time. Do you recall saying that just less
23 than an hour ago?

24 A. Probably did.

25 Q. And I want to talk to you about staffing. You don't

1 dispute that throughout the time that Major Bryan was jail
2 administrator, through to this very day, the county continues
3 to recruit for detention officers, right?

4 A. Oh, they have, yes.

5 Q. And the county has also increased detention officers'
6 starting salary to \$31,000, correct?

7 A. That's correct.

8 Q. And the county has started biweekly pay now, right?

9 A. Correct.

10 Q. It's also started direct deposit pay, correct?

11 A. Yes.

12 Q. And more recently, the county has implemented a detention
13 officer award program at Raymond Detention Center, hasn't it?

14 A. I'm not really familiar with that. I heard something
15 about it, but I can't explain to you what it is.

16 Q. Frank Shaw told you about it, didn't he?

17 A. He said that he had some kind of -- like, they had an
18 officer of the month type thing, yes.

19 Q. Do you have any reason to dispute that they have that?

20 A. No.

21 Q. And Sheriff Jones, he personally goes to RDC frequently to
22 interact with staff, doesn't he?

23 A. That's what he explained to us, yes.

24 Q. And he listens to their concerns too, doesn't he?

25 A. Apparently.

1 Q. So it's not fair to say the county is not dealing with
2 staffing, is it?

3 A. I didn't say that the county is not dealing with it. I'm
4 saying that it's not going in the right direction.

5 Q. But it's not fair to say the county is not dealing with
6 staffing, is it?

7 A. I have not said that.

8 Q. Is it fair to say that?

9 A. It's fair to say that they're working on the problem.

10 Q. Now, you don't dispute -- well, let me ask you this:
11 There was some talk earlier about well-being checks. And the
12 staff at the facility are performing the 15-minute well-being
13 checks, aren't they?

14 A. They're trying to. They don't have enough people to do
15 it. When I was there on Saturday after- -- or on the afternoon
16 of the 31st, we were in Charlie 4. I walked in there, and
17 there was a sergeant standing the post. That's how short they
18 were, that a sergeant was having to stand the post for
19 Charlie 4 and for Charlie 4 iso, the suicide watch. Physically
20 impossible for one person to do all that, but he was giving it
21 his best. I'm not taking anything away from the officers.

22 Q. So when you told us during the exit conference on
23 June 24th that the staff were doing the 15-minute well-being
24 checks, were you just making that up?

25 A. No, I was talking about booking when I said that. I said

1 the last few times that I've been there, the 15-minute
2 well-being checks in booking were current.

3 Q. And that's a good thing, isn't it?

4 A. Oh, absolutely.

5 Q. And you also talked about the workload for booking
6 personnel has been more equitably distributed, didn't you?

7 A. That's correct.

8 Q. That's another good thing, isn't it?

9 A. Yes.

10 Q. And you also talked about staff in the units -- in the
11 pods, excuse me -- in the pods were no longer maintaining more
12 than one logbook. Do you recall that?

13 A. Yes.

14 Q. Now they're using one logbook for the entire unit,
15 correct -- the entire pod, excuse me.

16 A. Yes.

17 Q. And that's a positive change, isn't it?

18 A. Actually it's a good thing because it takes -- it
19 eliminates redundant and unnecessary documentation. That makes
20 the job of the officers easier.

21 Q. Now, you don't disagree that the county has had to take
22 disciplinary actions against several detention officers since
23 the last monitoring report, the 16th report. You don't
24 disagree with that, do you?

25 A. No.

1 Q. And that officer that walked out of central control, would
2 you have kept that officer at your facility at Hillsborough
3 County?

4 A. Absolutely not.

5 Q. The county didn't keep the officer here, did they?

6 A. No.

7 Q. I think you said at least three times on June 21st,
8 Mr. Parrish, that operating the Raymond Detention Center
9 through direct supervision is not possible, given the number of
10 staff versus the number of detainees at the Raymond Detention
11 Center right now, didn't you?

12 A. I think it's versus the number of posts. They don't have
13 enough officers to stand all the posts that are necessary for
14 direct supervision.

15 Q. It's not possible to do it right now, is it?

16 A. They can't do it with the number of people that they have
17 there, so they're not doing it.

18 Q. And it's not possible to do it with the number of people,
19 is it?

20 A. That's what I just said, yes.

21 Q. Now, Mr. Parrish, you talked a little bit about the
22 March 2022 shakedown. I'm going to call your attention to that
23 briefly. Sheriff Jones decided to have a shakedown after
24 receiving intelligence; isn't that right?

25 A. He explained that they got intelligence that there may be

1 some staff bringing in contraband, and that's why he decided to
2 bring in officers from another jurisdiction.

3 Q. Exactly. He asked the officers from Rankin County, but he
4 had tactical reasons for asking those officers to come assist,
5 didn't he?

6 A. He had what reasons? Tactical or technical?

7 Q. He had tactical reasons for asking Rankin County to bring
8 in deputies to help, didn't he?

9 A. He had information that maybe some of his staff were
10 bringing in contraband, and that's why he was asking to bring
11 in people from another jurisdiction. That's what he explained
12 to us.

13 Q. And bringing in more deputies would what? It would
14 increase the manpower to conduct the shakedown, wouldn't it?

15 A. Yes.

16 Q. But there were still RDC command staff present during the
17 shakedown; isn't that right?

18 A. That's what we were told.

19 Q. And I think you've testified that there were lots of
20 officers present, but you'd agree with me there were more
21 detainees in those living units than there were officers,
22 weren't there?

23 A. Certainly.

24 Q. And you don't dispute that none of the detainees were
25 seriously injured during that shakedown, do you?

1 A. I don't think I discussed that.

2 Q. Well, do you dispute that? You don't disagree -- none of
3 the detainees were seriously injured during that shakedown,
4 were they?

5 A. Well, based on the pictures that I saw, some of them had
6 bruises and wounds from that but nothing that required
7 hospitalization.

8 Q. And no one was killed during the shakedown, were they?

9 A. No.

10 Q. And that shakedown, it resulted in the recovery of some
11 pretty serious contraband, didn't it?

12 A. Absolutely.

13 Q. Drugs were found, correct?

14 A. Yes.

15 Q. Cell phones were found, correct?

16 A. Yes.

17 Q. And, of course, shanks were found, right?

18 A. Yes.

19 Q. And I think there were 67 shanks found. Do you agree with
20 that?

21 A. I don't remember the exact number, but there were a lot.

22 Q. Do you have any reason to dispute that it was 67?

23 A. I do not.

24 MR. MORISANI: If I may borrow the Elmo.

25 BY MR. MORISANI:

1 Q. Now, this is PX-167. I believe it's already been admitted
2 into evidence. But I'll represent to you that it's a picture
3 of the contraband that was located during that shakedown,
4 Mr. Parrish. And those shanks in this picture, they could have
5 been used to seriously injure detention staff or detainees
6 alike, couldn't they?

7 A. Yes.

8 Q. They could be used to kill detention staff or detainees
9 alike, couldn't they?

10 A. Certainly.

11 Q. But this shakedown got a lot of those, 67 of them, out of
12 the detainees' hands, didn't it?

13 A. Yes, it did.

14 Q. And you'd agree the units from which this contraband was
15 taken are safer today without those items, aren't they?

16 A. Certainly.

17 Q. And those units are safer without the drugs that were
18 located and confiscated, right?

19 A. Certainly.

20 Q. And they're safer, of course, without the cell phones as
21 well, aren't they?

22 A. Yes.

23 Q. Now, you're not here to say or testify that shakedowns are
24 supposed to be negotiations, are you?

25 A. No, I'm not. I didn't say that.

1 Q. And I want to talk a little bit now about that shakedown,
2 how it was carried out. What's the use of force policy number,
3 Mr. Parrish?

4 A. I'm sorry. I can't remember it off the top of my head.

5 Q. Policy 5.500 sound about right?

6 A. Could be.

7 Q. And you know what the date of the use of force policy is?

8 A. It's about two to two and a half years ago.

9 Q. February 1st, 2020, sound about right?

10 A. That sounds about right.

11 Q. And does this -- does the use of force policy say anywhere
12 in that policy, Don't use force to compel compliance?

13 A. It says that force is not to be used as the -- to --
14 when -- I can't remember the exact wording, but the -- in one
15 of the explanations, it says that it's not to be used to force
16 inmates to follow verbal directions.

17 Q. Does it say anywhere in the policy not to use force to
18 compel compliance?

19 A. I don't have it in front of me.

20 Q. Does it authorize the use of mechanical measures?

21 A. Oh, yes.

22 Q. Are tasers mechanical measures?

23 A. Yes.

24 Q. Does it allow the use of electronic control devices?

25 A. I think that's the terminology that's used as opposed to

1 "tasers" in the policy.

2 Q. Are tasers electronic control devices?

3 A. Yes.

4 Q. Does the use of force policy allow the deadly use of
5 force?

6 A. Does it allow the deadly use of force?

7 Q. Yes.

8 A. It goes all the way through the whole range.

9 Q. Is that a yes --

10 A. Yes.

11 Q. -- to my question?

12 A. Yeah.

13 Q. I want to show you a copy of this policy.

14 MR. MORISANI: Borrow the Elmo one more time.

15 BY MR. MORISANI:

16 Q. Mr. Parrish, we're looking at the use of force policy,
17 it's policy 5.500 dated February 1st of 2020. You see that?

18 A. Yes.

19 Q. Let me know if you have any trouble. I'm going to try to
20 slide it down now.

21 I want to direct your attention to the yellow highlights
22 on paragraph 3. We're looking at generally procedures, use of
23 force generally. 5-501 is the section of the policy,
24 paragraph 3. If you will just read this first title of this
25 column.

1 A. It's talking about authorized use of force.

2 Q. And I'm going to read subparagraph B and C, and you tell
3 me if I read these correctly. Under authorized use of force,
4 "prevent an act which could result in death or serious bodily
5 injury to self or another person." Did I read that correctly?

6 A. Yes.

7 Q. Subparagraph C, authorized use of force, "to defend
8 oneself or another against a physical assault." Did I read
9 that correctly?

10 A. Yes.

11 Q. Flip to the next page. We're staying in that same chart,
12 authorized use of force. I'm going to read subparagraph F; and
13 if you will, just tell me if I read it correctly. Authorized
14 use of force, "to overcome active physical resistance to a
15 lawful command." Did I read that correctly?

16 A. Yes.

17 Q. I'm going to scoot on down to paragraph 6. I'm going to
18 read this portion here beginning with "use of force." If
19 you'll just let me know if I read this correctly. "Use of
20 force levels in no way suggests that each step must be
21 implemented and in order; rather, that the staff response must
22 be commensurate with the level of force presented." Did I read
23 that correctly?

24 A. Certainly.

25 Q. Let's talk about now the use of force levels that are

1 available under this policy. And this is the Hinds County
2 policy, correct, Mr. Parrish?

3 A. Yes.

4 Q. The use of force levels available. I'm going to start
5 here under "level of force presented." Tell me if I read this
6 correctly. "Active resistance. Examples: Assaultive and
7 threatens bodily harm, evasive movements that are a threat to
8 safety, overt hostile attacking movements." And the
9 commensurate staff response is "chemical devices, electronic
10 device --" I'm sorry "-- use of electronic control device,
11 other less lethal weapons, i.e., foam rubber launchers with
12 approval of the shift supervisor." Did I read all that
13 correctly?

14 A. Yes.

15 Q. And again, looking to page 3 of this policy, we're reading
16 from the table that begins on page 2 under "use of force
17 levels." It goes on to page 3. "The level of force presented:
18 Imminent threat to inflict serious bodily harm or death on
19 another person." Commensurate staff response: "Lesser
20 response, e.g., as outlined in passive and active resistance,
21 or deadly force." Did I read that correctly?

22 A. Yes.

23 Q. Now, I want to direct your attention to Section 5-502 of
24 this policy, the use of force policy. And again I'm going to
25 read from the policy, and just let me know if I read this

1 correctly. This is paragraph 1 of Section 5-502. "Security,
2 less lethal equipment. Such force may not be used as a means
3 to force an inmate to comply with verbal orders unless such
4 noncompliance presents an imminent threat." Did I read that
5 correctly?

6 A. Yes.

7 THE COURT: No. Immediate threat.

8 THE WITNESS: Immediate.

9 BY MR. MORISANI:

10 Q. "An immediate threat." Excuse me.

11 MR. MORISANI: Thank you, Your Honor.

12 BY MR. MORISANI:

13 Q. Did I read that correctly now?

14 A. Yes.

15 Q. Now, Mr. Parrish, we've gone through the county's use of
16 force policy, and I want to sort of look at some of these use
17 of force reports. Dealing with the March 2022 shakedown, the
18 first report I want to look at --

19 (Off-the-record discussion between defense counsel.)

20 BY MR. MORISANI:

21 Q. Mr. Parrish, I'm going to follow up with you on one part
22 of this use of force policy. It's paragraph 5-502, and I'm
23 going to direct your attention to that sentence that I read out
24 loud beginning with "such force may not." That sentence does
25 not prohibit the use of force to compel compliance, correct?

1 A. It makes an exception if there's an immediate threat.

2 Q. So you can use force to compel compliance under this
3 policy, based on that sentence, can't you?

4 A. If there's an immediate threat. It's not the same.

5 Q. Is that a yes answering my question?

6 A. No. Not just saying do something and you don't do it,
7 then you can use force? No.

8 Q. But this sentence allows the officers --

9 MR. CHENG: Objection. Asked and answered.

10 THE COURT: You may ask the question again.

11 Objection overruled.

12 BY MR. MORISANI:

13 Q. This sentence allows force to be used to compel compliance
14 under those circumstances in that sentence, doesn't it?

15 A. If there is an immediate threat. I'm standing by that
16 because that's what it says.

17 Q. And that's what the sentence says, doesn't it?

18 A. That's what it says.

19 Q. Those are the circumstances in the sentence, aren't they?

20 A. That's what it says.

21 Q. So under the circumstances in this sentence, the Hinds
22 County use of force policy allows the use of force to compel
23 compliance, doesn't it?

24 A. If there is an immediate threat, not just use of force to
25 follow a written or a verbal direction.

1 Q. Let's look at PX-161. I'm going to turn to page 2, for
2 the record. If you will -- Mr. Parrish, I'm going to let you
3 do the reading this time. If you'll read that highlighted
4 sentence.

5 A. I'm sorry. I was looking in here.

6 Q. It's PX-161. I can hand you this copy if you'd like.

7 A. No, no. I can see it here.

8 Q. The highlighted sentence, if you will.

9 A. "I began yelling for Duke to crawl out, being I could see
10 a shank near his hand...refused to obey and was struck on the
11 bottom side of his body to the best of my knowledge with a less
12 than lethal bing bag round."

13 Q. Said he could see a shank near the individual's hand,
14 couldn't he?

15 A. That's what he said, yes.

16 THE COURT: Make sure you're speaking into the
17 microphone when you talk, Mr. Parrish.

18 BY MR. MORISANI:

19 Q. Direct your attention to PX-163. I'm going to turn to
20 page 2. And if you'll read the sentence beginning "as the team
21 departed." If you'll read that entire sentence for the record,
22 Mr. Parrish.

23 A. "As the team departed, though, out the pod, I came in
24 contact with...whom possessed a shank and would not comply with
25 my commands...was struck with a less than lethal bing round and

1 began to follow commands as he was ordered to by me."

2 Q. So this individual in PX-163 not only possessed a shank
3 but also failed to comply with commands and he was struck,
4 correct?

5 A. That's correct.

6 Q. I turn your attention to PX-164, page 2 for the record.
7 I'm going to let you read this sentence that's highlighted,
8 Mr. Parrish. It begins, "I began yelling."

9 A. "I began yelling for so-and-so to get facedown and place
10 his hands behind his head at which time he responded, 'Fuck
11 you. I have something for you.' I then deployed a less than
12 lethal bing bang round, striking...in the left leg. He became
13 compliant and began following commands...was then evaluated by
14 Hinds County Jail staff."

15 Q. So again, here we have an officer commanding a detainee to
16 do something; the detainee makes a threat, I have something for
17 you; and then deploys the less than lethal bean bag, correct?

18 A. That's correct.

19 Q. I'll also show you PX-165, page 2 for the record. Again,
20 I'm going to let you read the highlighted sentence beginning
21 "while taken."

22 A. "While taken...he began swatting at me with his hands and
23 refusing to place them behind his back. I then deployed my
24 taser using a drive stun to gain control of...was placed in
25 hand restraints and was placed in a different part of the Hinds

1 County Jail --" pardon me "-- by the Hinds County Jail staff."

2 Q. All right. So here, in PX-165 we have an officer getting
3 swatted at by an inmate, refuses to obey the command to put his
4 hands behind his back, then he's deploying the taser, correct?

5 A. That's right.

6 Q. Now, do you know how long that shakedown took on
7 March 18th of 2022?

8 A. I can't tell you.

9 MR. MORISANI: Your Honor, if I may briefly confer, I
10 may be finished.

11 THE COURT: Okay.

12 (Off-the-record discussion between defense counsel.)

13 MR. MORISANI: Just a couple brief questions, Your
14 Honor.

15 BY MR. MORISANI:

16 Q. Mr. Parrish, I think you testified earlier that this
17 sheriff, Sheriff Jones, had begun to turn things around a
18 little bit. Do you recall that?

19 A. Yes.

20 Q. And to that end, there's been no suicides since Sheriff
21 Jones has been in office. There's been no suicides at RDC has
22 there?

23 A. No.

24 Q. Since Sheriff Jones has been in office, there hasn't been
25 any deaths at Raymond Detention Center, have there?

1 A. That's correct.

2 Q. And since Sheriff Jones has been in office, there haven't
3 been any drug overdoses at Raymond Detention Center, have
4 there?

5 A. That's correct.

6 MR. MORISANI: I don't have any further questions,
7 Your Honor. I tender the witness.

8 THE COURT: The government ready for redirect?

9 MR. CHENG: Yes, Your Honor.

10 **REDIRECT EXAMINATION**

11 BY MR. CHENG:

12 Q. If we can look at the Defense Exhibit 52.

13 A. I'm sorry. Could you say that number again, please.

14 Q. Defense Exhibit 52.

15 THE COURT: Has that been received in evidence yet?
16 I don't think so.

17 MR. CHENG: Just because defendants mentioned it.
18 Well, we can ask him generally.

19 THE COURT: No, no. It's not in evidence yet because
20 I haven't -- did you intend to place that in evidence?

21 MR. MORISANI: I will, yes, Your Honor. I apologize.
22 I think it may be in already from the March -- in the February
23 hearing, but I'll go ahead and put it in now just to be safe.

24 THE COURT: All right. Thank you. D-52 is received
25 into evidence.

1 (Exhibit D-52 admitted.)

2 BY MR. CHENG:

3 Q. So Mr. Morisani asked you some questions about this use of
4 force policy, and I want to talk to you a little about the
5 context of the provisions. So when you talked about how verbal
6 instructions are not -- refusing verbal instructions is not a
7 basis for use of force unless there's an imminent threat,
8 right?

9 A. That's correct.

10 Q. Okay. And when we talk about imminent threat, what is an
11 imminent threat or immediate threat?

12 A. Well, it's designed for the protection of the officer. If
13 something physical is going to happen to him or her, that would
14 be considered an imminent threat, not just imagining something
15 but physically something is coming the officer's way. Or the
16 officer can also use that in trying to break up, for instance,
17 a fight between inmates and orders it to be stopped and they
18 don't do it, and then he finally intervenes.

19 The officer doesn't need to be hurt first.

20 Q. And even if there is a use of force, doesn't Provision 8
21 stay "strikes or similar offensive force measures are only used
22 as a defensive response"?

23 A. I'm sorry, which --

24 THE COURT: Provision what?

25 MR. CHENG: Provision 8 on Exhibit 52-003.

1 THE COURT: Well, you need to make sure he sees it.

2 MR. CHENG: Sure.

3 THE COURT: I mean, you need to point it out. I
4 don't think that he sees it.

5 MR. CHENG: Sure.

6 THE COURT: I'm just trying to figure out who's doing
7 it.

8 MS. RAYOME: (Indicating.)

9 THE COURT: All right. Thank you. Paragraph 8?

10 MR. CHENG: Yes.

11 BY MR. CHENG:

12 Q. And we'll be going through paragraph 8, 9 and 10, so let's
13 start with 8.

14 A. Yes, sir.

15 Q. So the idea is offensive force is still supposed to only
16 be used as a defensive response?

17 A. That's correct.

18 Q. Would a planned use of force include the March 2022
19 contraband cell checks?

20 A. Yes. That's what it was.

21 Q. And under this policy under Section 9, there are some
22 additional requirements for planned uses of force, correct?

23 A. Yes, sir.

24 Q. Does that include video and audio taping by the officers
25 going in?

1 A. Yes.

2 Q. And were they doing that type of video or audio taping?

3 A. Not to the best of my knowledge.

4 Q. And you saw the video earlier when the team first went
5 into that housing unit. Did it look to you like there was an
6 immediate threat when they opened fire on the officer -- on the
7 inmate on the second tier?

8 A. That first inmate that laid down on the mezzanine level
9 and then it appeared that the officer fired at him from the
10 bottom of the stairs, maybe there was something else going on,
11 but I sure couldn't see it from the video.

12 Q. And if they actually had body cameras would that have
13 helped provide a better investigation of that use of force?

14 A. Yes.

15 Q. Did you ask for body camera footage of the March incident?

16 A. They didn't have body cameras. They had the GoPro, which
17 has not been functional for many months at Raymond.

18 Q. And that GoPro, that's something that was originally
19 talked about some years ago, right?

20 A. That's right.

21 Q. And when one of the video clips showed the inmates
22 crawling down the stairs and one of the officers sort of took
23 an inmate and sort of moved him or pushed him down the stairs,
24 did you see an immediate threat then?

25 A. No.

1 Q. Mr. Morisani also took you through some questions about
2 how the staff have done what they could with what they have.
3 You remember that?

4 A. Yes.

5 Q. Now, are you suggesting that because the staff themselves
6 do what they can with what they have, the county is excused
7 from doing anything more?

8 A. No. It's -- they're doing the best they can with their
9 existing resources, but they're so short of staff that we have
10 supervisors having to stand officers' posts, multiple posts
11 with one person like that. That's how bad the situation has
12 gotten.

13 Q. And you've also talked a little bit about the sheriff has
14 done some things to try to turn things around. But when it
15 comes to staffing and supervision, is he better off now or
16 before the sheriff was in charge?

17 A. The numbers have dropped significantly through each site
18 visit and report that we have done. So the numbers are worse
19 now than they were before the beginning of this administration.

20 MR. CHENG: No other questions. Thank you, Your
21 Honor.

22 Thank you, Mr. Parrish.

23 THE COURT: All right. Prior to the shakedown that
24 we've seen a videotape of, I think that -- and what we've been
25 talking about with this contraband and then -- and again, the

1 government may follow up as well as the county and sheriff's
2 officials may follow up based on what I've asked. But with
3 respect to the shakedown in March, that's what we see
4 represented in these exhibits; is that correct?

5 THE WITNESS: That's correct.

6 THE COURT: And in Exhibit 167 it shows a table full,
7 basically, the contraband that was seized on that occasion, I
8 presume.

9 THE WITNESS: That's correct.

10 THE COURT: And prior to that March shakedown, what
11 evidence, if any, is there that the county -- the most recent
12 shakedown prior to that?

13 THE WITNESS: I can't give you a specific date. I
14 can say that under the previous jail administrator, she tried
15 to implement more routine shakedowns because as was reported
16 back at that point, they had gone for a period of three to
17 five months at the Charlie Pod that had not been shaken down;
18 and she was determined to try and make that a more routine
19 process. So they -- there's no specific schedule, and I can't
20 give you a date, Your Honor.

21 THE COURT: I think from the hearing in February --
22 from the hearing, I do recall that at least Sheriff Crisler
23 had -- Interim Sheriff Crisler had done a shakedown; is that
24 correct?

25 THE WITNESS: Yes.

1 THE COURT: But please correct me if I'm wrong.

2 THE WITNESS: No, you're correct.

3 THE COURT: So at least there was one. And in

4 March of '22 Sheriff Jones was in office, correct?

5 THE WITNESS: Yes.

6 THE COURT: And this is the amount of contraband that

7 was seized in March.

8 THE WITNESS: That's right.

9 THE COURT: And this contraband looks like shanks.

10 As they said, 67 shanks?

11 THE WITNESS: I think that was the figure that was

12 quoted.

13 THE COURT: Well, I'm just trying to find out has the

14 county or the sheriff's department, in your meeting with them

15 in May, have they told you how they thought that the shanks got

16 in there other than staff might have brought it?

17 THE WITNESS: No.

18 THE COURT: Did they say where the shanks were found?

19 THE WITNESS: I haven't seen anything on that, no.

20 THE COURT: Okay. I know at one time during the

21 hearing back here in February, and consistently through several

22 monitors' reports in the past, you've indicated that at times

23 inmates -- detainees have escaped to return with contraband.

24 Do we know if any of this contraband was brought in by any

25 detainees?

1 THE WITNESS: We don't know, and certainly the shanks
2 would not be something brought in from outside. They're
3 homemade within the facility by tearing things apart and
4 fabricating knives, shanks. Telephones, generally, and drugs
5 are what we see coming in from the outside. That's the kind of
6 contraband that gets thrown over the fence or up on the roof
7 that the inmates bring back in. Generally it's split like
8 that.

9 THE COURT: Let's talk about, then, the shanks that
10 persons have made, torn apart things and made from, I presume,
11 property there at the detention center. In your experience as
12 a correctional officer or jail administrator or whatever your
13 title was at the time, I mean, how does one reduce the risk of
14 the inmates being able to either have the time to concoct or
15 make one of these things or to reduce that possibility?

16 THE WITNESS: From my experience -- I took over a
17 jail system in 1981. Some of the jails went back as far as
18 1926. They were old, old facilities; and they were all remote
19 surveillance. That means that the inmates had nine-tenths of
20 the building. They had all the living area. The staff had the
21 hallways and the control rooms. I never had a table covered
22 with this much contraband, but we found all kinds of contraband
23 like this in our jails back then because the inmates, as you
24 say, had all the time in the world to tear things apart and
25 fabricate weapons.

1 When we went to direct supervision and put an officer
2 inside each housing unit, just like -- this is a housing unit
3 with 64 inmates; and one officer, just like the teacher in the
4 classroom, runs this place, contraband just fell off the
5 charts. We don't have contraband like that in our jail system
6 anymore because of direct supervision.

7 That's what was advocated for here. That's the total
8 solution. Otherwise, this kind of thing is going to continue.
9 Maybe not on this scale, but contraband is going to keep being
10 manufactured inside. Even if inmates getting out to the
11 outside to bring things in is stopped, they can still tear
12 things apart inside because they've got all the time in the
13 world and no supervision.

14 And so that's the advantage of direct supervision.
15 That's -- it solves this kind of a problem. And until that can
16 finally happen here, I'm afraid we're going to continue to see
17 this kind of a thing. One, two -- three jail administrators
18 back, he took me around for a tour one time; and we stopped off
19 in the armory. And there were about three milk crates -- big
20 plastic milk crates full of cell phones that had been
21 confiscated. The numbers just overwhelmed me.

22 So it's not something new. It's been going on for some
23 time.

24 THE COURT: And Mr. Morisani asked you about -- he
25 mentioned that there have been no suicides, I guess this year

1 or going back to the time that Sheriff Jones has been sheriff;
2 is that correct?

3 THE WITNESS: That's correct.

4 THE COURT: And he said no evidence of drug
5 overdoses -- or deaths --

6 THE WITNESS: Deaths.

7 THE COURT: -- deaths due to drug overdoses, correct?

8 THE WITNESS: That's correct.

9 THE COURT: Any evidence of any assaults?

10 THE WITNESS: Lots of assaults.

11 THE COURT: Lots of assaults?

12 THE WITNESS: Oh, yes.

13 THE COURT: The assaults, did they require -- any of
14 the detainees had to go -- to seek medical attention there at
15 the facility?

16 THE WITNESS: At the facility and at a hospital.

17 THE COURT: Okay. That was going to be my next
18 question. Did they have to seek medical attention outside of
19 the facility?

20 THE WITNESS: Yes.

21 THE COURT: Now, with respect to the use of force, I
22 don't have the policy here before me, but it's that exhibit --
23 that's fine. The exhibit concerning Hinds County's use of
24 force. I think Mr. Morisani focused in on those areas where
25 use of force can be used. There was a chart there.

1 THE WITNESS: Yes, sir.

2 THE COURT: I think. On that chart, there's also the
3 section that says prohibited use of force.

4 THE WITNESS: Yes, sir.

5 THE COURT: Prohibited use of force, and it details
6 instances where use of force should not be used or is
7 prohibited from being used, for example, right?

8 THE WITNESS: Yes, sir.

9 THE COURT: For example, one cannot tase -- although
10 one can tase an individual who is in -- I think they describe
11 it as electronic use of force. One can tase an individual who
12 is in prison, who's a detainee. You can, right?

13 THE WITNESS: Yes, sir.

14 THE COURT: But you cannot tase that individual if
15 that individual is simply not complying with a verbal request?

16 THE WITNESS: That's correct.

17 THE COURT: Has there been -- based on your
18 conversations at your last visit with the county -- well, with
19 the sheriff's department in May, between March and May, at that
20 time had there been any other sort of shakedown?

21 THE WITNESS: Your Honor, there very well may be.
22 I'm sorry. I'm just drawing a blank off the top of my head on
23 dates. They do do shakedowns.

24 THE COURT: They do.

25 THE WITNESS: And we had records of them being done

1 at the work center. I mean, it wasn't just isolated to that
2 facility. But I can't quote a date. I'm sorry.

3 THE COURT: Was there any evidence that any official
4 from the Hinds County Sheriff's Department took a part -- had a
5 role or took a part in the shakedown that occurred in March of
6 2022?

7 THE WITNESS: No. They were apparently just
8 observers.

9 THE COURT: And did any of those observers file any
10 incident reports? Have you seen any incident reports that were
11 submitted by Hinds County Sheriff's Department?

12 THE WITNESS: I think there was one incident report
13 that's reflected in here towards the back of this segment.
14 There is a brief incident report that talked about the
15 shakedown.

16 THE COURT: Okay. And that was prepared by Hinds
17 County persons?

18 THE WITNESS: Yes.

19 THE COURT: The ones that we've been talking about
20 here mostly, 163, 164, 5, 6, and -- well, don't let me
21 misspeak.

22 MR. MORISANI: Your Honor, if I may, it's 166, Your
23 Honor.

24 THE COURT: 166?

25 MR. MORISANI: Yes, sir.

1 THE WITNESS: Yeah.

2 THE COURT: I see there were 22 lighters confiscated
3 or found. Obviously, that would at least aid an individual to
4 burn stuff in one of the cells, correct?

5 THE WITNESS: Yes.

6 THE COURT: I have no further questions. Mr. Cheng,
7 does the government have any follow-up based on what I've
8 asked?

9 MR. CHENG: No, Your Honor.

10 THE COURT: All right. Does the county or the
11 sheriff have any follow-up?

12 MR. MORISANI: No, sir, Your Honor.

13 THE COURT: All right. Mr. Parrish, you may step
14 down.

15 MR. CHENG: Your Honor, the United States has no more
16 witnesses, so -- at least in regards to the motion to
17 reconsider. If, however, the court wants to proceed with the
18 general status conference, my understanding is Dr. Dudley has
19 limited scheduling availability after today. It wouldn't be
20 part of this formal proceeding; but if the court wants to hear
21 from Dr. Dudley, it might be good to do it today or reschedule
22 it.

23 THE COURT: You said he has limited availability
24 after today?

25 MR. CHENG: Yes.

1 THE COURT: After today he has limited availability?

2 MR. CHENG: Yes. Ms. Simpson may be better able to
3 discuss his schedule, but our understanding was he had some
4 other commitment after today.

5 MS. SIMPSON: Your Honor, my understanding is that he
6 is in Fulton County, Georgia --

7 THE COURT: Make sure you speak into the microphone
8 for the record. I can hear you fine, but the court reporter
9 probably --

10 MS. SIMPSON: My understanding is that he is in
11 Fulton County, Georgia, for the week and could be available
12 tomorrow. In my conversations with him, tomorrow was no less
13 likely than today. So I think he's available tomorrow, unless
14 DOJ had a separate conversation with him.

15 MR. CHENG: Yeah. Perhaps that's a misunderstanding,
16 but we originally were anticipating calling him today because
17 of his scheduling instead of tomorrow, so he was listening in
18 for today. But if he's testifying today, he might not be
19 available tomorrow.

20 THE COURT: Is Mr. Dudley on the line still? I
21 realize it's 6:00 out in Georgia.

22 MS. SIMPSON: I don't think he is. I think that my
23 conversation with him was more that having a specific time --
24 knowing a specific time ahead of time would help him structure
25 his schedule there. So it wasn't so much that today was better

1 than tomorrow.

2 MR. CHENG: Then perhaps we need to follow up with
3 Dr. Dudley, then.

4 THE COURT: Okay. Did you need to call him in this
5 portion of your case or simply for the status conference?

6 MR. CHENG: We do not need to call him for our
7 portion of the case, so we're done with our portion of the case
8 regarding the motion to reconsider. But as for the general
9 status conference, that would depend, Your Honor, if you wish
10 to proceed. If so we probably need to at least give him a call
11 if you do want to hear from him today.

12 THE COURT: Okay. We're at the 5:00 hour.

13 (Pause.)

14 THE COURT: I'm just trying to figure out where we
15 are. With respect to the status conference, ladies and
16 gentlemen -- I should say, counsel, with respect to the status
17 conference, I know the monitor has been on-site back in May.
18 And typically what has happened in the past is that a draft
19 report, I believe, is submitted to the parties for their
20 comments; and after that a final report is filed, and then the
21 court would typically have a full status conference about the
22 particular report that would then be final. And in this case,
23 that would be the -- what I assume to be the 17th monitors'
24 report, since I see the 16th one was April 5th, 2022. So for
25 purposes of that, could we not treat it just like we've done in

1 the past?

2 But for purposes of the motion for reconsideration and
3 later on, I guess, the motion to stay -- but for purposes of
4 the motion for reconsideration, I've heard the testimony today.
5 Are there any closing arguments anybody wishes to make with --
6 I say closing arguments -- any arguments on the motion for
7 reconsideration because I'm trying to see whether or not we
8 need to come back tomorrow. My schedule is free tomorrow. But
9 I know some of you might have other things to do, including my
10 court reporter.

11 MR. HALL: Your Honor, we think that we're done. We
12 don't have any summation or anything like that. And we also
13 agree with the court that any type of status conference can be
14 dispatched of like it has been in the last couple of years. If
15 there's no need for us to do that here, let them -- let the
16 monitors write the report up, we'll look at it, they finalize
17 it, and then we go from there. So from our vantage point, Your
18 Honor, we have nothing further for the court today.

19 THE COURT: All right. What says the government? I
20 mean, any -- like I say, I give either one of you the
21 opportunity to put your motion -- your response, your motion
22 for reconsideration in a bow if you wish, and any response.

23 But with respect to the status conference part, should we
24 treat that -- as I've suggested, treat that like we've
25 treated -- I don't know which first one I got involved with,

1 but all the status conferences since I've been involved, all
2 the monitors' reports since I've been involved, including up
3 through the 16th monitoring report.

4 MR. CHENG: Yes, Your Honor. I think that is
5 actually a perfectly fine approach. It's what we've been doing
6 all along. There's no reason to change that.

7 The only thing we ask is that however the status
8 conference works, it should not hold up a decision on the
9 motion for reconsideration of the contempt relief. So we do
10 think we're pretty much done with the evidence for the motion
11 for reconsideration, and we're happy to provide some summation
12 or closing argument if the court needs it. But if the
13 defendants don't need it and we don't need it, then the court
14 can decide the motion. What we don't want to see is we wait
15 for the status conference --

16 THE COURT: No, we won't be waiting. We won't be
17 waiting.

18 Well, I mean, so I don't -- well, I've heard you-all.
19 There's no need for any summation of any kind. That's number
20 one. There's no need for us to even work around Dr. Dudley's
21 schedule to try to figure out what we need to do from this
22 point forward with respect to any additional evidence or
23 hearing of any sorts.

24 What we will do is give the monitor the opportunity to
25 complete her report or to do it like she's done in the past, I

1 think, prepare a draft that is submitted to the parties. The
2 parties -- I don't think that has changed with respect to the
3 protocols and things that I've required in the new injunction
4 or anything else, the ten days or whatever -- however many days
5 the parties have to get back to the monitor for their input --
6 or for your input and then for the monitor to submit the final
7 report.

8 So I think that's all that I have except for I do want to
9 apologize to you, Mr. Hall, for cutting across you earlier. I
10 did it in a public way; I should apologize in a public way. So
11 I do apologize.

12 Is there anything -- and that was for the comment about
13 the cell phone exchange numbers and all that, just in case you
14 forgot. Is there anything else we need to take care of?

15 MR. HALL: Nothing from the defendant, Your Honor.

16 THE COURT: All right.

17 MR. HALL: For this defendant.

18 THE COURT: Nothing from defendant the sheriff.

19 MR. HALL: Right.

20 THE COURT: Defendant county?

21 MR. MORISANI: Nothing from the county, Your Honor.

22 Thank you.

23 THE COURT: Anything from the United States?

24 MR. CHENG: Nothing from the United States, Your
25 Honor.

1 THE COURT: All right, then. Thank you all so much.
2 This concludes all that we have today. Court is adjourned.
3 Y'all have a great week.

4 (Proceedings concluded at 5:13 p.m.)
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CERTIFICATE OF REPORTER

I, Margaret Wasmund, RDR, CRR, CRC, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Dated this 31st day of July 2022.

Margaret Wasmund
MARGARET WASMUND, RDR, CRR, CRC
COURT REPORTER